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The state of South-South cooperation

Report of the Secretary-General**

Summary

The present report reviews the state of cooperation among developing countries (South-South cooperation) from 2005 to mid-2007. It notes that the period was characterized by changing dynamics in South-South relations, as evidenced by new policy frameworks aimed at fostering cooperation among developing countries at the national, regional, interregional and global levels. Also noted are increases in South-South trade, increasing flows of South-South development assistance, the building of institutional capacities in support of South-South cooperation and a trend towards more concerted action for the effective implementation of a number of internationally agreed development goals, including the Millennium Development Goals.

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I. Introduction

1. The present report reviews the state of cooperation among developing countries (South-South cooperation) from 2005 to mid-2007. The report notes that the period was characterized by changing dynamics in South-South relations, as seen in the rise of new policy frameworks aimed at fostering cooperation among developing countries at the national, regional, interregional and global levels. Also noted are increases in South-South trade, increasing flows of South-South development assistance, the building of institutional capacities in support of South-South cooperation and a trend towards more concerted action for the effective implementation of a number of internationally agreed development goals, including the Millennium Development Goals.

2. Consistent with a trend highlighted in the previous report of the Secretary-General (A/60/257), the present report indicates that economies of the global South have grown significantly in relation to those of developed countries through rapid increases in trade and South-South investment and many other exchanges.[1]

3. Despite higher levels of South-South cooperation and trade, the promotion of equitable and inclusive economic growth and sustainable development remains a key concern among developing countries. With less than 10 years remaining in which to achieve the Millennium Development Goals, multilateral institutions, banks, civil society organizations and world leaders from developing and developed countries alike are increasingly concerned about the many countries that are not currently on track to meet the goals. Indeed, many sub-Saharan African countries and least developed countries, landlocked developing countries and small island developing States continue to lag behind other countries in achieving the internationally agreed development goals, including the Millennium Development Goals.

4. In highlighting the emergence of important trends in South-South cooperation in the period 2005-2006, the present report points to a number of emerging opportunities and challenges in the process of scaling up the impact of South-South cooperation: (a) orienting South-South efforts towards achieving the internationally agreed development goals, including the Millennium Development Goals; (b) intensifying multilateral support for South-South initiatives; (c) fostering inclusive partnerships for South-South cooperation, including triangular and public-private partnerships; (d) improving coherence of United Nations system support for such cooperation; and (e) encouraging innovative financing for South-South cooperation.

5. The present report builds on findings contained in reports SSC/15/1 and 2, reports of United Nations entities and summary findings from the 2007 meeting of the High-level Committee on South-South Cooperation (29 May-1 June 2007), as well as other reports and information sources.

II. The changing dynamics of South-South cooperation

6. The robust economic growth of a number of countries in the South, such as Brazil, China, India and the Russian Federation, as well as that of a number of other

[1] http://ipsnews.net/news.asp?idnews=35930.

developing countries, including Chile, Egypt, Ghana, Malaysia, Qatar, Singapore, South Africa, Thailand and Turkey, has had a significant impact on the development prospects of other countries in the South. An increasing number of developing countries have become regional centres of economic dynamism, acting not only as significant beneficiaries but also as benefactors of South-South exchanges.

7. The emergence of new growth poles within the South as more countries become increasingly specialized in their manufacturing, trading and investment activities has dramatically reshaped the global economic landscape, creating new dynamics in trade, investment and development assistance flows both from and within economies in the South.

8. In particular, transnational corporations in the South have been a major source of business transactions and inward foreign direct investment (FDI) for least developed countries. The number of large transnational corporations in the South increased significantly, from 19 in 1990 to 58 by 2005, according to the United Nations Conference on Trade and Development (UNCTAD), and evidence suggests that they may be better equipped than transnational corporations from developed countries to offer appropriate goods and services to smaller markets with low per-capita purchasing power and to handle risks associated with operating in States characterized by weak governance.[2]

9. Banks from developing countries are becoming important sources of lending to low-income countries. According to the World Bank, borrowers in low-income countries received 17 per cent of total South-South cross-border syndicated lending flows in 2005 — a modest increase from only 3 per cent in the mid-1980s. The World Bank reports that 27 per cent of foreign-bank assets in low-income countries are held by developing-country banks, while in middle-income countries only 3 per cent of foreign-bank assets are held by such banks.[3] Regionally, middle-income countries are playing an increasingly significant role in strengthening investment links to low-income countries.

A. A dramatic rise in South-South trade and investment

10. As a result of these and other economic and political trends in the South, economists have noted the rise of a new geography of trade, with emerging markets spurring the dramatic increase in South-South transactions. The share of world exports among developing countries is now 43 per cent, compared with 20 per cent in 1970. That trend has been accompanied by a remarkable increase in interregional trade. The annual growth rate of African exports to Asia, for example, rose to an all-time high of 30 per cent from 2003 to 2006. More notably, in 2005 the combined output of developing economies accounted for more than half of the total world gross domestic product (GDP) in purchasing power parity. Developing countries now account for nearly one fourth of world imports of commercial services.

11. Trade between economies in the South has also expanded rapidly in recent years. According to UNCTAD, between 1999 and 2005 exports to Southern

[2] See UNCTAD, *World Investment Report 2006: FDI from Developing and Transition Economies: Implications for Development*.

[3] See World Bank, *Global Development Finance 2006: The Development Potential of Surging Capital Flows*.

countries grew 15 per cent on average, and imports expanded by 75 per cent. Currently, almost half of all developing-country exports are sent to other developing countries. While those developments represent significant progress for developing countries, there is room for improvement. The 118 countries belonging to the Non-Aligned Movement still account for less than 20 per cent of global exports and less than 15 per cent of global imports.[4] Moreover, at least 70 per cent of the trade barriers and tariffs against developing countries are imposed by other developing countries.

12. South-South exchanges are occurring in the services industry as well. Services trade in the South takes place primarily at the regional level in the areas of transport, travel, insurance and other business services, and it has often been dominated by low-skill, labour-intensive services. However, the level and sophistication of the services provided by developing countries have increased with the expansion of the overall levels of trade in goods and services over the past decade. For example, China has positioned itself as one of the world's largest and fastest-growing manufacturing centres and a major hub for South-South cooperation, while India, through its expertise in software development and computer technology, has emerged as a global services platform in computer and engineering technologies.

13. Developing countries have become important sources of lending and investment for other developing countries. Capital flows between developing countries, or South-South flows, are now growing more rapidly than North-South flows, particularly in terms of FDI. Between 1999 and 2005, FDI inflows to developing countries more than doubled, increasing from 6.3 per cent to 15 per cent.[5] In 2005, they accounted for 36 per cent (or $334 billion) of $916 billion in total global FDI inflows. Total FDI flows into Africa reached $31 billion in 2005, representing a record growth rate of 78 per cent over the previous year, primarily as a result of the rise in the price of global commodities. Regional disparities persist, however, as only five countries — Egypt, Morocco, Nigeria, South Africa and the Sudan — accounted for 66 per cent of total inflows into Africa.[6] Because investment often occurs in labour-intensive production methods among developing countries, the expansion of FDI flows between countries in the South has spurred the economic growth of many other developing countries through increased employment opportunities.

14. While much of the new dynamism in South-South trade, investment and development assistance has been spurred by the growth of emerging economies in the South and significant technological advances and capacities, a number of macroeconomic factors are also shaping South-South relations in important ways. These include, but are not limited to, the availability and rise in the price of energy and commodities. As a response, a number of countries in the South such as Brazil, India, Nigeria, Senegal and South Africa, have engaged in South-South science and technology exchanges to develop biofuel production capacities.

15. According to a July 2006 report (A/61/202) prepared by UNCTAD, international primary commodity prices have increased steadily following the

[4] Non-Aligned Movement News Network available at http://www.namnewsnetwork.org/cth2.php?nn=abt.

[5] Ibid.

[6] See UNCTAD, *World Investment Report 2006*.

general slump that characterized the period 1997-2003. The rise in commodity prices in recent years is largely a result of the increase in South-South trade in commodities. The report also stated that the commodity price index increased overall to 187 in June 2006 from its average level of 105 in 2003.

16. The rise in commodity prices has, in general, been a positive development for countries in the South, as many of them depend on commodity exports. Nevertheless, as also noted in the report, significant disparities exist among developing countries, depending on the composition of the exports and imports of individual countries. Oil- and mineral-exporting countries, including those in sub-Saharan Africa such as Angola and Equatorial Guinea, have experienced improvements in their terms of trade and benefited enormously from commodity price increases, but oil importers and countries that rely on imported raw materials to produce manufactured goods have experienced a notable decline in their terms of trade.

B. Resurgence in regional and interregional South-South cooperation

17. Regional and interregional integration efforts have increased substantially in recent years, in part to promote the equitable distribution of net gains and address inequalities among developing countries, increase economic integration, facilitate trade, promote cooperation for mutually beneficial exchanges intraregionally and share development knowledge and expertise in areas of common concern within regions. This section presents brief highlights of the various integration efforts made. Further information is available in documents SSC/15/1, SSC/14/1 and A/60/257.

18. In the Arab States region, the establishment of the Greater Arab Free Trade Area in January 2005 has promoted regional and subregional cooperation. Collaborative arrangements effected by the Greater Arab Free Trade Area, the Gulf Cooperation Council and the Arab Maghreb Union resulted in increased trade (exports and imports) between 1998 and 2005.

19. In Asia, efforts have been stepped up to strengthen regional South-South cooperation, consolidated by subregional organizations such as the Association of Southeast Asian Nations (ASEAN), the Asia Cooperation Dialogue, the South Asian Association for Regional Cooperation (SAARC) and the Shanghai Cooperation Organization.

20. Regional cooperation has also been strengthened among the Pacific island countries through trade agreements. In April 2006, China, Cook Islands, Fiji, Micronesia (Federated States of), Niue, Papua New Guinea, Samoa, Tonga and Vanuatu, along with delegates from Australia and New Zealand, signed an Action Plan of Economic Development and Cooperation at the first ministerial meeting of the China-Pacific Island Countries Economic Development and Cooperation Forum, held in Fiji.[7]

21. In Eastern Europe, regional integration has been strengthened through the efforts of institutions such as the Georgia, Ukraine, Azerbaijan, Moldova Group (GUAM), renamed the GUAM Organization for Democracy and Economic

[7] http://www.mfa.gov.cn/eng/zxxx/t244798.htm

Development in 2006. Georgia, Ukraine, Azerbaijan and Moldova have established closer economic and political ties in recent years while supporting a number of infrastructure development projects such as the multimodal International North-South Transport Corridor.

22. Countries in central and south-eastern Europe have also formed the Central European Free Trade Agreement, whose membership, as of 2007, comprises Albania, Bosnia and Herzegovina, Croatia, Moldova, Montenegro, Serbia, the former Yugoslav Republic of Macedonia and the United Nations Interim Administration Mission in Kosovo on behalf of Kosovo (Serbia).

23. In Latin America, the South American Community of Nations, the Caribbean Community and the Common Market of the South (MERCOSUR) have established a variety of South-South partnerships to address issues relating to telecommunications, the environment and energy while committing to significant tariff reductions and economic integration in their region.

24. In the Africa region, organizations such as the African Union and subregional organizations such as the Common Market for Eastern and Southern Africa, the Common Monetary Area, the East African Community, the Economic Community of Central African States, the Economic Community of West African States, the Southern African Customs Union and the Southern African Development Community (SADC) have implemented development programmes in a number of critical sectors, including governance, infrastructure, food security, science, and information and communications technologies.

25. The Africa Partnership Forum — which is supported by the African Union and the New Partnership for Africa's Development (A/57/304, annex) — agreed, at its fourth meeting, held in Abuja in April 2005, to develop a monitoring process with clear benchmarks aimed at measuring the progress made in the achievement of development goals while promoting coordination among the various stakeholders, including African Member States, the Group of Eight, the Organization for Economic Cooperation and Development and other development partners.

26. In sub-Saharan Africa, a number of low-income countries are emulating the example of India, Malaysia and other technological hubs in the South and boosting expenditures on science and research and development for technology. They include Ethiopia, which has committed to a joint public-private investment project with the goal of ensuring that, by the end of 2007, all Ethiopians will be living within a few kilometres of a broadband connection; Nigeria, which plans to create a national science foundation with an investment of $5 billion; and South Africa, where research and development funding is to increase to 1 per cent of its GDP by 2009.[8]

27. At the interregional level, several summits and conferences have led to concrete commitments by individual countries to promote capacity-building and further institutionalize relations on the basis of South-South cooperation with the objective of achieving economic growth and development. These and other formal and informal networks have arisen at an increasing rate over the past several years to address issues of common concern. In August 2007, for example, the eighth Langkawi International Dialogue was held in Malaysia to widen the avenue for

[8] See Hassan, Mohamed H. A., "A new dawn for science in Africa", *Science*, vol. 316, 29 June 2007.

increased collaboration among developing countries. More than 500 participants, including Heads of Government from six ASEAN countries, seven other Asian countries and 21 African States, were invited to attend.

28. The November 2006 Asia-Africa Forum was marked by a significant event, as China promised to double aid to Africa by 2009 to approximately $1 billion, establish a $5 billion China-Africa Development Fund to encourage Chinese companies to invest in Africa, provide $3 billion in preferential loans and $2 billion in preferential buyer's credits to African countries, and cancel all debt stemming from Chinese interest-free government loans that matured by the end of 2005 for the 31 heavily indebted and least developed countries in Africa that have relations with China.

29. Combating the spread of diseases such as malaria, tuberculosis and HIV/AIDS has been the focus of numerous interregional South-South agreements with significant financial backing from middle-income countries. Heads of State from India, Brazil and South Africa, at a summit in September 2006, established a framework to combat AIDS, malaria and tuberculosis, increasing investments in vaccine research and improving access to new preventive medical technologies in line with the Agreement on Trade-Related Aspects of Intellectual Property Rights.

30. In sub-Saharan Africa, the role of science and technology in the promotion of sustainable development has been the focus of international funding commitments on an interregional and a triangular basis. In 2005, the Group of Eight pledged $5 billion to rebuild the universities of Africa and $3 billion to establish centres of scientific excellence on the continent. Brazil has committed to supporting capacity building in science and technology in sub-Saharan Africa through its Pro-Africa Programme, with a focus on Angola and Mozambique.

31. South-South cooperation has been featured in recent high-level conferences, including those held in Morocco on South-South cooperation and human development and in Istanbul on globalization and least developed countries, as well as in the Latin America-Africa Summit and the South America-Arab Summit.

C. Increased South-South development cooperation

32. The above-mentioned macroeconomic trends in the South provide an important backdrop to developments that have occurred over the past several years in the areas of policy change, networks and institutional capacity-building at the national, regional, interregional and international levels.

33. As a result of the new dynamics in trade and investment, many developing countries are now in a position to assist other developing countries and have stepped up their efforts to do so both financially and in kind. Algeria, Brazil, Chile, China, Cuba, Egypt, India, Malaysia, Nigeria, Qatar, Saudi Arabia, South Africa, Thailand, Tunisia, Turkey and Venezuela (Bolivarian Republic of), among others, are now contributing development assistance to other developing countries. Thailand, for example, currently contributes development assistance at a rate comparable to that provided by several member countries of the Organization for Economic Cooperation and Development — 0.13 per cent of its gross national income. In general, available data indicate that concessional flows of South-South assistance

increased to $3 billion in 2006, though this figure (about 3.75 per cent) remains a modest percentage of development assistance flows worldwide.[9]

34. Countries such as China, India, Brazil and South Africa are adopting policy changes that will enable them to become significant regional sources of technological innovation, trade and investment flows and thus significant contributors to overall growth and development in their regions and in the global economy as a whole.

35. China has made combating poverty and providing development assistance a major policy priority over the past several years. In 2005 it established, in partnership with the United Nations Development Programme (UNDP), the International Poverty Reduction Centre with a view to strengthening international exchanges on poverty reduction and enhancing the capacity of the international community to design and implement poverty-reduction policies.[10] China has also established a South-South cooperation network and the China South-South Cooperation Promotion Centre to carry out South-South cooperation and promote economic and technical exchanges with other developing countries.[11]

36. India has been proactive in utilizing a number of different avenues to support other developing countries. Since 2004, it has extended a total of $1.4 billion in concessional lines of credit to other countries in the South for infrastructure development, agricultural equipment and supplies, pharmaceuticals and other development projects. Under the Indian Technical and Economic Cooperation programme, it has provided more than $3 billion in technical assistance to 156 countries in the South. India has also pledged $100 million for poverty alleviation in other SAARC member countries under the SAARC Development Fund. The country has earmarked $200 million for the New Partnership for Africa's Development, $500 million for West African countries and a $250 million line of credit for the Economic Community of West African States Investment Bank.

37. Brazil has led the way in expanding treatment for people with HIV/AIDS by guaranteeing access to medications for everyone in the country infected with the virus. It has made such drugs available at a low cost by encouraging local production of the drugs, and it donates locally produced antiretroviral drugs to at least 11 other developing countries: Bolivia, Burkina Faso, Cape Verde, Colombia, East Timor, El Salvador, Guinea-Bissau, Mozambique, Nicaragua, Paraguay, and Sao Tome and Principe. The country also coordinates an international technical cooperation network on HIV/AIDS, which includes Argentina, China, Cuba, Nigeria, the Russian Federation, Thailand and Ukraine, in order to facilitate and coordinate technology transfer for antiretroviral production.[12]

38. Cuba, in addition to providing medical doctors and other experts to many countries in the South, has assisted Nigeria with ethanol production through South-South cooperation.

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[9] Ibid.

[10] http://www.iprcc.org.cn/subject.php/cn/9.

[11] Statement by the Permanent Representative of China to the United Nations at the fifteenth session of the High-level Committee on South-South Cooperation, New York, 29 May 2007

[12] Inter Press Service News Agency, "South America: AIDS meds for all, but at higher prices", 27 June 2007.

39. South Africa has created the South African International Development Agency in order to signal that a vigorous effort is under way to expand the country's official development assistance. Though the policy and programme for the development assistance of South Africa are still under discussion, the current proposal is to increase the country's level of assistance to other countries in the South to between 0.2 and 0.5 per cent of the gross national income of South Africa.

40. Thailand has undertaken numerous initiatives in the spirit of shared prosperity of the "prosper-thy-neighbour" policy, including the Mekong Economic Cooperation Strategy, the Bay of Bengal Initiative for Multi-sectoral Technical and Economic Cooperation and the Asia Cooperation Dialogue, to name just a few. In the context of the Mekong Economic Cooperation Strategy alone, Thailand has participated in 40 multi-country common projects and more than 200 bilateral projects involving Thailand, Cambodia, the Lao People's Democratic Republic, Myanmar and Viet Nam.

41. Similarly, the Government of Malaysia has, through the prosper-thy-neighbour policy, encouraged local firms to invest in other developing countries and is working to promote mutually beneficial trade and investment relations with other countries in the South. Total investment by the Government in other developing countries amounted to $4.8 billion in 2006. In addition, the Government has signed 56 investment guarantee agreements with other countries in the South to encourage and foster the flow of investments with other developing countries. Total overseas investment by Malaysia increased from $3 billion in 2005 to $5.9 billion in 2006.[13]

42. Tunisia, under its Tunisian Agency for Technical Cooperation, a non-profit organization in charge of implementing national policy on technical cooperation, has either sent or trained experts and professionals to assist other developing countries in the areas of poverty reduction, health, vocational training, banking, agriculture, water and the environment, telecommunications and the advancement of women, among others. Since its establishment, the Tunisian development agency has conducted training sessions for more than 2,660 professionals from 39 African and Arab States countries, with support from the European Union, the Islamic Development Bank, the Japan International Cooperation Agency, UNDP, the World Bank and other organizations. By the end of 2006 alone, it had appointed 416 experts for long- and short-term development projects in other developing countries.

43. Turkey has also made significant policy changes favourable to South-South cooperation, investing in the development of energy, telecommunications and infrastructure in Albania, Bosnia and Herzegovina, Georgia, Kosovo (Serbia), Kyrgyzstan, Moldova and Montenegro and entering into free-trade agreements with Egypt, Jordan, the Palestinian Authority and the Syrian Arab Republic. Turkey allocates more than $50 million annually for South-South cooperation programmes through the Turkish International Cooperation and Development Agency, which has 22 field offices in various developing countries. In 2006 alone, the Agency increased the number of implemented projects by 66 per cent over the prior year. It has overseen 930 projects and activities undertaken in 90 developing countries,

[13] BERNAMA, "Malaysia's investments in South countries amount to US$ 4.8 billion in 2006", 2 July 2007.

partnering with international agencies, including United Nations entities, and other countries to implement them.[14]

44. Egypt has also stepped up efforts to incorporate South-South approaches into its development policies and strategies, working in partnership with UNDP and other United Nations entities to coordinate and implement development projects in other countries. Through the Egyptian Fund for Technical Cooperation with Africa, it has provided humanitarian assistance to at least 30 countries in Africa and has overseen at least 45 projects to date. Egypt has also sent at least 90 short-term and 140 long-term experts to provide training and facilitate knowledge-sharing on a variety of issues, including health, agriculture, water resources and education.

III. Emerging opportunities and challenges for South-South cooperation

45. The new dynamics in the global South described earlier present enormous opportunities for a further deepening of South-South cooperation towards achieving the internationally agreed development goals, including the Millennium Development Goals. How to help translate those dynamics into real gains for all developing countries, especially for those that are economically and geographically most vulnerable, remains a perennial challenge. Fully harnessing such opportunities will require a renewed commitment to multilateralism, inclusive public-private partnerships and more effective operational measures towards improved coherence of multilateral support to South-South initiatives owned and championed by the South. Some of the major emerging opportunities and challenges for enhanced South-South cooperation in the years ahead are discussed in this section.

A. Optimizing the use of South-South solutions in achieving the internationally agreed development goals, including the Millennium Development Goals

46. South-South cooperation has been increasingly recognized by policymakers and world leaders as an important and effective basis for addressing a variety of new and complex development challenges. The Group of 77 and China adopted the Doha Plan of Action at the 2005 South Summit in Qatar, building on the Marrakech Declaration (2003) and the Havana Programme of Action (2000), which places South-South cooperation at the centre of the development agenda and establishes its importance in terms of addressing a comprehensive range of development challenges, including health, security and governance, the environment and energy, food security, and science and technology.

47. In the global South, even in least developed countries, there are relevant development solutions, best practices, practical knowledge and appropriate technologies that can be mobilized to help the most vulnerable groups of countries meet the internationally agreed development goals, including the Millennium Development Goals. For example, Georgia, Mexico and Romania have undertaken significant reforms to improve conditions for the poorest of the poor. While many

[14] Statement by the delegation of Turkey at the fifteenth session of the High-level Committee on South-South Cooperation, New York, 30 May 2007.

sub-Saharan African countries remain among the most disadvantaged States, positive reforms have been undertaken in countries such as Ghana and the United Republic of Tanzania that may provide useful lessons in eradicating poverty and hunger in the region (Goal 1).

48. Several low-income countries, such as Burundi and Mozambique, have made substantial gains towards achieving the goal of universal primary education (Goal 2), with increases of 7.3 per cent and 20.9 per cent, respectively, from 2000 to 2005. On the other hand, Arab States, such as Kuwait and the United Arab Emirates, have made progress in promoting gender equality; in both of those countries, women won parliamentary seats for the first time in 2006 (Goal 3).

49. Eritrea, a fragile post-conflict country, showed enormous gains in reducing the rate of childhood mortality, which dropped by 50 per cent between 1990 and 2005, and Honduras has made significant gains in reducing the rate of maternal mortality, which decreased by 50 per cent (Goals 4 and 5).

50. HIV/AIDS is now declining substantially in Botswana, Kenya, Rwanda, South Africa, Uganda and Zambia, in keeping with Goal 6, with at least 50 per cent of those infected receiving assistance in those countries.

51. With regard to Goal 7, there are numerous examples of progress in the building of environmental sustainability. India was able to double sanitation coverage between 1990 and 2004, and two countries, Malawi and Namibia, have already reached the target of clean water sources.

52. Finally, with respect to Goal 8, building global partnerships for development, numerous regional and national institutions established by countries including China, Malaysia, Rwanda, Thailand and many others in Africa, the Arab States region, Asia and Latin America have adopted measures to promote partnerships globally and at the national and regional levels.

53. Although progress has been uneven among developing countries in their pursuit of the internationally agreed development goals, particularly the Millennium Development Goals, the above results indicate that there exists a great store of information and experience within those countries that simply needs to be shared on a South-South basis.

B. Intensifying multilateral approaches to meet common development challenges

54. As South-South cooperation is increasingly recognized to be one of the most effective approaches to managing complex transnational issues that are beyond the capacities of individual countries, the United Nations faces the challenge of strengthening multilateralism, inclusive partnerships and well-coordinated action in order to harness the resources available in the South with a view to complementing the efforts made by other partners to address such borderless challenges.

55. In recent years, emerging challenges such as climate change, growing urban poverty, energy, the widening digital divide and other issues that require concerted efforts among countries in the North and the South have increased significantly and have been addressed in numerous reports and international forums.

56. Experts estimate that there will be a 5 to 20 per cent drop in per capita GDP if climate change continues unabated. That would have a disproportionate effect on the developing world, causing as many as 220 million people in Africa and South Asia alone to remain below the $2-a-day poverty line through the end of the century.[15]

57. Indeed, dramatic changes in the environment caused partly by climate change; demographic shifts resulting from migration due in part to the desertification of rural land; and the population explosion in urban areas due largely to rapid industrialization, have created another set of emerging challenges to development in the South. According to a 2007 United Nations Population Fund (UNFPA) report, a billion people, or a sixth of the world's population, live in slums; 90 per cent of them are in developing countries.

58. In sub-Saharan Africa, 7 out of 10 urban dwellers reside in slums without basic sanitation, clean water or legal rights to housing. The slum population has almost doubled in the region over a period of 15 years, reaching 200 million in 2005. As a result, poverty worldwide is increasing more rapidly in urban areas than in rural ones. That is an issue of particular significance for developing countries, since developing nations are expected to have 80 per cent of the world's urban population by 2030, according to a UNFPA report.[16]

59. Another challenge to development has arisen owing to a lack of access to renewable energy sources. With the price of oil rising and access growing more limited, South-South cooperation in finding new sources and in exchanging technologies that would help developing countries to maintain energy supplies is crucial for the related areas of food security, environmental preservation and economic growth.

60. Other related development challenges are linked to climate change. Water scarcity, for example, is one of the greatest threats facing the world today, and the implications for sustainable development among countries in the South have been highlighted in the UNDP *Human Development Report 2006*.

61. Increasingly, countries in the South will be challenged to increase their capacities in the areas of science and technology in order to boost their productivity and competitiveness. Related, although separate, is the urgent need for stronger infrastructural capacities in transportation and communication links among developing countries, particularly for least developed countries. The digital divide may well be the defining factor that allows some countries to advance economically while others fall by the wayside.

62. The digital divide between developed and less developed countries is quickly growing rather than diminishing. The proportion of the population in Africa with Internet access as of 2007 remains low relative to that of other regions: 3.5 per cent of the population in Africa has Internet access, compared to 10.5 per cent in Asia and 16 per cent in Latin America and the Caribbean.

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[15] For more information on this issue, see http://www.hm-treasury.gov.uk/independent_reviews/stern_review_economics_climate_change/stern_review_report.cfm.

[16] See Dugger, Celia W., "U.N. Predicts Urban Population Explosion", *New York Times*, 28 June 2007.

C. Fostering broad-based South-South, triangular and public-private partnerships

North-South-South triangular partnerships

63. Developing countries have expressed consensus on the fact that South-South cooperation continues to serve as a complement to, and not a substitute for, North-South cooperation, particularly in the area of development assistance but also in new areas of cooperation, such as infrastructure development and disaster management. As such, developed countries are urged by the High-level Committee on South-South Cooperation of the General Assembly and by the General Assembly itself to continue to play an important role in supporting South-South initiatives through triangular arrangements, which consist of activities initiated by collaborating groups of developing countries supported by partners in the North.

64. While there are concerns about trends in official development assistance, many developed countries have actually stepped up their level of support for South-South cooperation through triangular arrangements in recent years, thus complementing and strengthening those partnerships. Support for South-South cooperation by developed countries is most evident in public efforts to implement agreements relating to debt relief, aid and other international initiatives to alleviate poverty in the world's poorest countries, in keeping with the United Nations Millennium Declaration, the Monterrey Consensus, the Plan of Implementation of the World Summit on Sustainable Development (Johannesburg Plan of Implementation) and the São Paulo Consensus.

65. More recently, development ministers of the Group of Eight, during a preparatory meeting for the Heiligendamm Summit in 2007, conferred with development ministers from Brazil, China, India, Mexico and South Africa (collectively referred to as Outreach 5) as well as a number of African organizations at the regional and subregional levels. The Presidency of the Group of Eight and the Heads of State of the Outreach 5 countries issued a joint statement that indicated that the countries would cooperate in five broad areas, including cross-border investment, research and innovation, the fight against climate change, and the quest for secure and affordable supplies of energy, particularly in Africa. Concrete outcomes are to be formulated and agreed upon by the next Group of Eight Summit, to be held in Italy. In addition, the Group of Eight and the Outreach 5 countries reiterated their commitment to the Millennium Development Goals, with a special focus on Africa.

66. The European Union has taken active steps to work in partnership with regional organizations in Africa and Latin America to achieve long-term development goals related to the improvement of capacity and infrastructure. In 2005, through the 10th European Development Fund, the European Council set aside roughly €22.7 billion for its cooperation with the African, Caribbean and Pacific States.

67. In December 2005, the European Council adopted the "European Union Strategy for Africa" together with the African Partnership on Infrastructure and African partners, States and regional organizations. The European Commission launched a European Union-Africa partnership to aid in the achievement of the objectives set out by the African Union and the New Partnership for Africa's Development. The 10th European Development Fund will provide €5.6 billion from

2008 to 2013 to boost regional development in four critical areas: energy, water, transport, and information technology and communication networks. The European Union has also established strong ties with Latin America and the Caribbean. It held its fourth European Union, Latin America and Caribbean Business Summit in Vienna from 11 to 13 May 2006. In addition, a European Union-Caribbean strategy was adopted in March 2006 to foster growth and development within the region.

68. In Asia, the Japan International Cooperation Agency began the Asia-Africa Knowledge Co-creation Programme in March 2005. In addition, the Agency's office in Singapore, under the Japan-Singapore Partnership Programme for the 21st Century, invited developing countries to attend 21 courses in fiscal year 2006. The courses offered both country-focused and regionally focused training in areas such as disaster management, infrastructure improvement for the information technology industry, trade negotiation, banking and finance development, among other topics. As one of the pivotal countries in that respect, the Republic of Korea continued to attach great importance to South-South cooperation. In addition to sharing its wealth of successful experience in and knowledge about inclusive development, the Government has expanded duty-free and quota-free market access to commodities from the least developed countries and has decided to increase the level of official development assistance to 0.25 per cent of its gross national income by 2015.

69. The United States of America has proposed doubling aid to sub-Saharan Africa between 2004 and 2010, launching the Millennium Challenge Account to provide up to $5 billion per year. In 2005, it also allocated $2 billion to address humanitarian emergencies in Africa as well as $1.2 billion to be used in fighting malaria. In December 2006, the Government of the United States renewed a trade agreement, the African Growth and Opportunity Act, that will help to alleviate possible employment losses on the continent. The agreement provides duty-free access for African products to the United States market and extends until 2012 the third-country fabric provision allowing African clothing manufacturers to use raw materials from other countries and still benefit from preferential access to that market.

Public-private-civil society triangular partnerships

70. Recently, more and more individuals, corporations, non-governmental organizations (NGOs) and experts have been taking an active role in the development of innovative business models, policies and programmes through public-private partnerships aimed at alleviating poverty, promoting good governance and providing lifesaving technologies in the areas of health, the environment and food security.

71. In the area of public-private partnerships for sustainable development, the Public-Private Alliance Foundation, established in 2006, has brought together individuals, groups, Government authorities, NGOs, donors and businesses to collaborate and provide funding for poor people and communities in developing countries in order to enable them to become more self-reliant. The Foundation works to support the achievement of the Millennium Development Goals as well as the principles of the United Nations Public-Private Alliance for Rural Development. As such, it is one of a number of undertakings within and outside the United Nations system to facilitate the inclusion of businesses in efforts to promote pro-poor

businesses, stimulate entrepreneurial capacity-building and encourage investments, commerce and related activities for sustainable rural development.[17]

72. Individuals have also played a key role in developing innovative programmes for sustainable development at the grass-roots level. Muhammad Yunus, the 2006 winner of the Nobel Peace Prize, established a highly effective locally based microcredit lending programme that has helped to alleviate poverty in Bangladesh. The success of the Grameen Bank has led to the establishment of similar lending programmes in other developing countries. Others, such as African Celtel executive Mo Ibrahim, have used their private largesse to fund development enterprises in the service of good governance and the development of large-scale business projects in Africa. Recently, Ibrahim funded the Mo Ibrahim Prize for Achievement in African Leadership and donated $150 million to set up the Africa Enterprise Fund. The aim of the Fund is to provide financial backing and management experience to promising African companies in the areas of financial services, consumer goods, energy and agricultural processing.[18]

73. NGOs such as Brussels-based Biopact, which has worked to create triangular partnerships in the service of mobilizing funding and resources, encouraging partnerships and disseminating information for renewable energy resources in Africa,[19] have also arisen to address new challenges to development. Many other NGOs have been set up to identify and develop new strategic partnerships on issues that are relatively new or linked to new technologies in order to promote sustainable development solutions in the world's poorest regions.

74. Universities have also undertaken efforts to integrate South-South initiatives into their curricula, disseminating development theories and policy debates in the classroom. The Academy of Sciences for the Developing World has partnered with the Indian Association for the Cultivation of Science, the National Centre of Excellence in Molecular Biology in Pakistan and the International Centre for Chemical and Biological Sciences, also in Pakistan, to complement the Academy's current South-South fellowship programme, which provides fellowships in institutions in Brazil, China and India. The Academy's South-South fellowship programme is the largest in the world.

75. The private sector has also been a major driver of development initiatives. For example, in sub-Saharan Africa, businesses are working in partnership with governmental, subregional and regional organizations to help build infrastructure, expand communication technology and implement a variety of regional development projects. From 2002 to 2005, the African Development Bank financed 16 projects of the New Partnership for Africa's Development amounting to $629 million. In 2006, the Bank also partnered with SADC in promoting infrastructural development, with plans to open additional field offices in a number of SADC countries.

[17] http://www.ppafoundation.org/index.htm.

[18] See "Face value: Africa calling", *The Economist*, 24 May 2007.

[19] http://www.biopact.com/site/goals.html.

D. Enhancing the coherence of United Nations system support for South-South cooperation

76. The driving force behind South-South cooperation continues to be the developing countries themselves, regardless of whether such cooperation is bilateral, regional or interregional. It has been a province of the South, and, as such, the United Nations system has taken direction from the South in the setting of the South-South agenda and priority areas. Under the overall guidance of the High-level Committee on South-South Cooperation of the General Assembly, the United Nations system has worked to promote and support such cooperation through the work of the various organizations, specialized agencies, regional commissions, funds and programmes, with the Special Unit for South-South Cooperation, housed within UNDP, serving as the system-wide coordinator and focal point (see SSC/15/1 and 2).

77. During the review period, a number of United Nations entities intensified their efforts to mainstream their support for South-South and triangular cooperation into their policy instruments or corporate strategies. UNDP, for example, instituted South-South cooperation as one of the six drivers of development effectiveness in its multi-year funding framework, 2004-2007, resulting in a notable increase in the use of South-South solutions by its country offices. In its strategic plan, 2008-2011, it has adopted South-South cooperation as one of three principles and approaches for development effectiveness in the implementation of its country and regional programmes. The United Nations Environment Programme (UNEP) has established South-South cooperation as a major pillar of its corporate work programme for 2008-2009. The United Nations Educational, Scientific and Cultural Organization (UNESCO) has incorporated South-South cooperation as a core component of its programme and budget, 2008-2009, and as the main modality for reaching the goals of Education for All by 2015. Other United Nations bodies are also moving in that direction.

78. Some United Nations entities have moved from an ad hoc to a more systematic approach by building self-sustaining institutional capacities within and among countries in the South. The United Nations Industrial Development Organization (UNIDO), for example, established the first Centre for South-South Industrial Cooperation in India in 2007, with plans to establish similar centres in Brazil, China, Egypt and South Africa. The Special Unit for South-South Cooperation has continued its innovative work towards the establishment of a policy-supported, market-based and self-sustaining South-South Global Assets and Technology Exchange System. The Exchange would enable United Nations bodies and other development partners, including private-sector and civil society organizations, to engage in South-South small and medium-sized enterprise development and knowledge and technology exchanges.

79. While most United Nations bodies and specialized agencies, including regional economic commissions, have continued to anchor their South-South initiatives in a region or sector, some have taken a more inclusive approach that has allowed more United Nations entities and other development partners to pool their respective technical competencies and resources to support interregional or multisectoral South-South initiatives. Facilitated by the Special Unit for South-South Cooperation, organizations such as the International Labour Organization, UNCTAD, UNESCO, the World Intellectual Property Organization and the World

Bank have joined forces to help the global South cultivate the untapped economic and social potential of the creative economy for development, involving a large number of countries and other development partners across all regions. A similar type of inter-agency collaboration has been ongoing in the area of South-South remittances and development, involving the Asian Development Bank; the Inter-American Development Bank; the International Organization for Migration; the United Nations Office of the High Representative for the Least Developed Countries, Landlocked Developing Countries and Small Island Developing States; UNDP; the United Nations Children's Fund (UNICEF); and the World Bank.

80. With the aim of improving the coherence of United Nations support for South-South cooperation, the United Nations Development Group, through the Resident Coordinator system, has emphasized the need for a more coordinated approach to supporting partner countries, at their request, in integrating South-South cooperation into their development cooperation strategies. In response to a request made by Tunisia, the Resident Coordinator brought together representatives of all the United Nations bodies and major donors to assist the Government in designing a national South-South cooperation policy framework and implementation strategy. Similar support was provided through the Resident Coordinators in Chile, Egypt, Malaysia, Morocco and Thailand. The Executive Committee on Economic and Social Affairs has also included South-South cooperation as a priority in its work. As such, Committee principals have committed to institutionalizing South-South cooperation in the context of their regular development activities and through joint efforts in order to maximize the benefits of such cooperation towards meeting the internationally agreed development goals, including the Millennium Development Goals.

81. It is apparent that South-South cooperation is no longer a low priority on the agenda of the senior management of many United Nations entities, such as the Food and Agriculture Organization of the United Nations, the International Fund for Agricultural Development, UNCTAD, UNDP, UNEP, UNESCO, UNFPA, UNICEF, UNIDO, the Department of Economic and Social Affairs of the United Nations Secretariat, the World Food Programme and the World Health Organization. This is reflected not only in the increased integration of such cooperation into their corporate strategies and programmes but also in the specific measures some have taken to raise the level of their South-South focal points and increase budget allocations for that purpose. UNEP, for example, upgraded its focal point to a South-South Coordination Unit in September 2005. The desire for and commitment to enhanced coordination and coherence within the United Nations system in support of South-South cooperation was clearly expressed by more than 20 organizations attending the United Nations inter-agency South-South focal points meeting, convened by the Special Unit for South-South Cooperation in conjunction with the fifteenth session of the High-level Committee, held from 29 May to 1 June 2007.

E. Exploring innovative mechanisms for financing South-South exchanges

82. Recent years have witnessed impressive increases in South-South development assistance. With countries such as Brazil, China, India, Malaysia, Thailand and Turkey strengthening their institutional capacity for the coordination and funding of

South-South programmes, the stage is set for the ushering in of a new and more participatory form of international cooperation for development.

83. The key to these new inclusive arrangements for financing is the sense of mutual benefit that is created when South-South development assistance seeks to meet the interests of both provider and recipient. This harks back to the reality that every country has a role to play and something to contribute towards its neighbour's development, as Member States emphasized during the recent fifteenth session of the High-level Committee on South-South Cooperation. Furthermore, using the long-standing guiding principle of South-South solidarity, countries can work towards a more even distribution of the gains of globalization while minimizing its negative effects.

84. Thus, through South-South solidarity, middle-income countries are challenged to accelerate the provision of development assistance to the most vulnerable nations, including the least developed countries, landlocked developing countries and small island developing States. This growing form of inclusive South-South financing for development would then greatly contribute to meeting the commitments made in the Monterrey Consensus on financing for development without detracting from the duty of donors in the North to fulfil their own commitments.

85. Multilateral funding arrangements, as exemplified in the IBSA Initiative, a partnership between India, Brazil and South Africa, showcase the collective will of countries in the South that purposefully join together financially, politically and operationally to combat AIDS, hunger and poverty, among other issues. The China-Africa Development Fund, mentioned earlier, represents yet another multilateral initiative designed to promote broader cooperation interregionally, with backing of $5 billion.

86. The United Nations Fund for South-South Cooperation, designated by the Second South Summit of the Group of 77 and China as the main multilateral funding mechanism for the fostering of South-South and triangular cooperation, has seen a huge increase in the number of contributors, including through cost-sharing and other innovative arrangements, from 5 prior to 2005 to 22 by mid-2007.[20]

87. These new types of funding arrangements, which include in-kind contributions to development, go beyond traditional forms of assistance and, when advanced on a multilateral basis, offer enormous possibilities for scaling up South-South initiatives.

IV. Recommendations

88. In view of the findings contained in the present report that highlight the changing dynamics of the South, including new opportunities for and challenges to development, the General Assembly may wish to encourage Member States and their development partners, including the United Nations system, to:

[20] Algeria, Benin, Brazil, China, Comoros, Egypt, India, Ireland, Islamic Republic of Iran, Jamaica, Japan, Morocco, Nigeria, Qatar, Republic of Korea, Samoa, South Africa, Trinidad and Tobago, Tuvalu, United States, Venezuela (Bolivarian Republic of), and the Ford Foundation.

(a) Optimize the use of South-South approaches in achieving the internationally agreed development goals, including the Millennium Development Goals;

(b) Intensify multilateral support for South-South initiatives to address common development challenges;

(c) Foster inclusive partnerships for South-South cooperation, including triangular and public-private partnerships;

(d) Enhance the coherence of United Nations system support for South-South cooperation through closer inter-agency collaboration, joint programming and documentation of lessons and good practices; and

(e) Continue to develop innovative mechanisms to mobilize resources for South-South and triangular initiatives, including through contributions to the United Nations Voluntary Trust Fund for South-South Cooperation.

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Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies

Support by the United Nations system of the efforts of Governments to promote and consolidate new or restored democracies

Report of the Secretary-General

Summary

The present report is submitted in compliance with General Assembly resolutions 60/253 and 61/226, by which the Assembly requested the Secretary-General to continue to play an active role in facilitating international cooperation within the framework of the follow-up to the International Conferences of New or Restored Democracies, with the support of other parts of the United Nations system providing democracy assistance or advice.

The report discusses, in particular, the Sixth International Conference of New or Restored Democracies, held in Doha in 2006, and the follow-up to that Conference. It also describes the assistance of the United Nations system in promoting democracy and governance in recent years. The Secretary-General indicated in his previous report on this subject (A/60/556) that he intends to initiate a study on the comparative advantages, complementarity and desirable distribution of labour of various intergovernmental democracy movements, organizations and institutes, whether global or regional, and on how the United Nations system has worked and could further work with them in a mutually supportive way. The main results of the study are contained in the present report.

At the end of the report, the Secretary-General proposes concrete recommendations to the General Assembly on how to improve cooperation and coordination between the United Nations and other relevant movements and organizations concerned with the promotion of democracy.

* A/62/150.

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I. Introduction

1. In its resolution 60/253, the General Assembly requested the Secretary-General to examine options for strengthening the support provided by the United Nations system for the efforts of Member States to consolidate democracy and good governance. By the same resolution, it requested the Secretary-General to submit a report to the Assembly at its sixty-second session on the implementation of the resolution. The present report is submitted in compliance with that request. In its most recent resolution, resolution 61/226, the Assembly also requested the Secretary-General to include in the report a summary of the results of the Sixth International Conference of New or Restored Democracies.

2. In the report on new and restored democracies to the General Assembly at its fifty-fourth session (A/54/492), the Secretary-General recommended that the inventory of assistance given by the United Nations system to Governments to strengthen new or restored democracies should be conducted every third or fourth year, or in years preceding the holding of future conferences of new or restored democracies. The Assembly endorsed that recommendation in its resolution 54/36. The present report is also submitted in compliance with that request.

3. The present report starts with a description of the results of the Sixth International Conference of New or Restored Democracies, which took place in Doha from 29 October to 1 November 2006. It then provides an account of the implementation process of the Ulaanbaatar and Doha Declarations adopted at the Fifth and Sixth International Conferences and a description of the activities carried out by the United Nations system in assisting democracy and governance since 2003 (see also the annex). Lastly, it discusses the cooperation and coordination between the United Nations and its international partners in the promotion of democracy and makes recommendations for further action.

II. Sixth International Conference of New or Restored Democracies and its follow-up

4. The Sixth International Conference of New or Restored Democracies was held in Doha from 29 October to 1 November 2006, with participants from 145 countries, 69 Parliaments, and 140 civil society organizations. The Conference registered a high proportion of high-ranking officials among State delegations, with more than 90 participants of the Governmental Meeting being at the level of Minister, Deputy Minister, Member of Parliament or Ambassador (29 Ministers, 13 Deputy Ministers and 50 Ambassadors). The Conference unanimously endorsed the Doha Declaration and Plan of Action and emphasized the importance of creating credible follow-up mechanisms for effectively implementing its decisions. The wide range and high-level of participation at the Conference demonstrated that there is increasing global support to discuss and promote democratization at the regional and national levels.

5. The Doha Conference also fully developed the tripartite structure which was first used at the Fifth International Conference, held in Ulaanbaatar in 2003. It comprised the Governmental Meeting, including three roundtable sessions, as well as the Parliamentary and Civil Society Forums. The tripartite meetings took place in parallel for two days and met in a joint working session on the final day. Another innovation was the adoption for the first time of a joint statement of all three

components of the Conference reaffirming their common commitment to the process of further democratization and the importance of promoting democracy as a shared responsibility (see A/61/581).

6. The Parliamentary Forum brought together 185 parliamentarians from 69 countries to exchange their views, experiences and practices. It was convened by the Inter-Parliamentary Union and the Arab Inter-Parliamentary Union. At the end, it adopted its own Declaration and Plan of Action. The Declaration affirmed the position of parliament at the centre of democracy and as an indispensable actor in promoting freedom, participation, human rights and the rule of law (see A/61/817, annex I).

7. The Conference's third component, the Civil Society Forum, gathered 160 participants from 90 countries. The Forum met in plenary sessions as well as in six thematic panels and five regional groups under the overarching theme "Democracy is the road to peace". It also adopted a Declaration and Plan of Action (see A/61/817, annex II).

Follow-up mechanism

8. The Conference agreed upon the following implementation mechanisms: (a) an Advisory Board to assist the Chairman of the Conference; (b) an annual high-level meeting of the Conference that will be convened at the same time as the General Assembly; and (c) a nucleus secretariat to assist the Chairman. In addition, the Parliamentary and the Civil Society Forums agreed to establish a Democracy Advisory Commission and an International Steering Committee, respectively.

9. An important innovation of the Sixth Conference was the establishment of an Advisory Board aimed to assist the Chairman of the New or Restored Democracies Movement to implement the decisions of the Conference. The Board consists of eight members: five representatives from each regional group (at the moment Egypt, Mongolia, Romania, Uruguay and Iceland); one participant from the Parliamentary Forum; one participant from the Civil Society Forum; and one representative from the United Nations.

10. The first Advisory Board meeting, which was convened in Doha on 26 April 2007, agreed on the following plans for 2007-2009:

(a) Convene a High-level Meeting of the New or Restored Democracies Movement in New York during the sixty-second session of the General Assembly;

(b) Declare an international day of democracy by the General Assembly. The first such day could be in 2008, with a possible commemorative meeting marking the twentieth anniversary of the First International Conference of New or Restored Democracies, held in Manila in June 1988;

(c) Create a democracy databank and a regular newsletter that would share relevant information and experiences related to the democracy process; the Conference logo would also be created;

(d) Qatar, as the current Chairman of the International Conference on New or Restored Democracies, will continue discussions with the Chairman of the Community of Democracies (Mali) to bring the two movements closer together;

(e) Hold an expert group meeting on coordination and information in the field of democracy.

11. Further activities planned for 2008-2009 include an expert group meeting on the development of national plans on democracy.

III. Implementation of the Ulaanbaatar and Doha Declarations

12. In its resolution 60/253, the General Assembly invited Member States, the relevant organizations of the United Nations system, other intergovernmental organizations, national parliaments and non-governmental organizations to contribute actively to the follow-up to the Fifth International Conference of New or Restored Democracies, which took place in Ulaanbaatar in September 2003 and to make additional efforts to identify possible steps in support of the efforts of Governments to promote and consolidate new or restored democracies, including through those steps set out in the Ulaanbaatar Declaration and Plan of Action (A/58/387, annexes I and II), and to inform the Secretary-General of the actions taken.

13. In light of the foregoing resolution, a note verbale was sent to Member States on 26 March 2007 with regard to the implementation of the Ulaanbaatar Declaration and Plan of Action and of the Doha Declaration and Plan of Action adopted at the Sixth Conference. The replies received are presented in a report of the Secretary-General on this item (A/62/302). Furthermore, the Department of Political Affairs sent a letter on 11 April 2007 to the United Nations system, regional and other intergovernmental organizations, the Inter-Parliamentary Union and the Civil Society Forum of the Sixth Conference asking for their contributions to the present report. The responses received are the basis of the discussion in the sections that follow.

IV. Assistance provided by the United Nations system to new or restored democracies

14. United Nations assistance to new and restored democracies is wide in scope and multifaceted. This section provides examples of how various departments, funds and programmes work in the fields of governance and democracy promotion. Concrete examples of the assistance delivered in Member States are given in the annex.

A. Supporting and reforming the State and its institutions

15. One essential element of United Nations assistance to new and restored democracies is to help build and reform State institutions and improve the transparency and accountability of the Government.

Electoral assistance

16. The United Nations is engaged in a wide range of technical assistance activities to support Member States in holding credible elections. The United

Nations Focal Point for Electoral Assistance Activities, the Under-Secretary-General for Political Affairs, is mandated to ensure consistency in the handling of requests from Member States and coordination within the United Nations system. The Focal Point has played a central role in the consolidation and coordination of electoral assistance capacities within the United Nations system, supported in this by the Electoral Assistance Division in the Department of Political Affairs.

17. In accordance with General Assembly resolution 46/137, the Electoral Assistance Division maintains a roster of electoral experts available to staff the Organization's electoral assistance activities in the field. Since 2005, over 600 experts in such matters as voter registration, boundary delimitation, electoral legislation and administration, and voter education have been deployed from the roster to assist in providing electoral advice to Member States. The Electoral Assistance Division also assists in the promotion and dissemination of electoral best practices to help increase the quality of elections throughout the world.

18. The United Nations Development Programme (UNDP) provides a large number of electoral assistance programmes. A key initiative of UNDP is to identify and promote effective interventions strengthening voting participation by the poorest social sectors, as well as women, youth and indigenous peoples. Electoral turnout is only one form of participation, but it is also the most universal and basic. The question of the extent of participation is of concern for many countries, as it is closely related to public confidence in elections and government legitimacy.

19. In post-conflict situations, elections are organized as key elements of peace agreements: peacekeeping missions deployed by the Department of Peacekeeping Operations often include electoral components established in close coordination with the Electoral Assistance Division, which also provides ongoing guidance to the work of such components. In addition to these electoral components, the Department engages in activities aimed at developing political space at the local level and stimulating participation in elections, including through civic education activities and holding political forums where candidates present and discuss their views with the population.

20. The Office of the United Nations High Commissioner for Human Rights (OHCHR) has produced the guidance tools on human rights aspects of elections at the country level. It also supports the electoral process through civic education and cooperation with the media, monitoring polling stations and ensuring that vulnerable people are able to vote, and preventing the recurrence of the cases of intimidation and other human rights violations.

Enhancing efficient public administration and the rule of law

21. Recognizing the key role of efficient and responsive public administration, the United Nations provides technical advice on the performance of State institutions and parliaments aiming at greater public involvement in the decision-making process and fostering judicial and administrative reforms.

22. UNDP is one of the largest providers of technical assistance on governance. Its work at the global, regional, national and local levels plays an important role by strengthening opportunities for people to participate in decisions that affect their lives, by improving government capacity to deliver public services and by grounding democratic governance processes within international principles.

23. In post-conflict situations the Office of the United Nations High Commissioner for Refugees contributes to the process of democratization and good governance in the field of asylum legislation, the search for solutions for minorities displaced by conflict, the reduction and prevention of statelessness and the protection of internally displaced persons.

24. The Department of Peacekeeping Operations and Department of Political Affairs-led missions are frequently mandated to assist in the reform and restructuring of police services. Police components provide capacity-building expertise to national police, assist with the development of national plans for security sector reform, provide technical advice on the restructuring of internal security services, train and evaluate national police officers and assist with the restoration and maintenance of the rule of law.

Human rights protection and promotion

25. The United Nations is actively involved in ensuring that human rights protection mechanisms are in place and strengthened to provide optimal services. The Organization's support also comes in the form of legal assistance, education and promotion of gender-related issues.

26. Governments and parliaments of countries in transition towards democratization continue to seek the legal expertise of the Office of the United Nations High Commissioner for Human Rights in their efforts to strengthen the national human rights protection mechanisms and guarantees. The Office is actively involved in the elaboration and/or revision of national constitutions and legislation for the purpose of harmonizing them with international human rights standards and procedures. In order to encourage further ratification of international human rights instruments, the Office also organizes training workshops in the regions.

27. The development of human rights indicators is an illustrative example of the Office's work to facilitate the implementation of human rights norms. The work is focused on the translation of universal human rights standards into operational and contextually relevant indicators that can promote the monitoring of the implementation of these rights at the country level.

28. The United Nations also helps new and restored democracies assess their laws and legal systems to determine whether they are in conformity with internationally recognized human rights standards of equality, non-discrimination and the participation of all people. The United Nations Democracy Fund, for instance, supports initiatives to strengthen the role of parliaments in implementing United Nations human rights treaties.

29. An overarching strategy of the United Nations Development Fund for Women (UNIFEM) is to support countries and regional bodies in crafting policy in line with the Convention on the Elimination of All Forms of Discrimination against Women and the other human rights obligations of Member States. It therefore seeks to aid, consult with and support developing democracies in the enactment of gender-sensitive legislation and policies. The Department of Economic and Social Affairs also provides technical assistance to new or restored democracies to support the implementation of the Convention.

30. In Iraq, the United Nations Assistance Mission for Iraq (UNAMI) has been working with Iraqi ministries, judicial institutions and civil society to promote the

establishment of a strong human rights protection system, including a national human rights commission. UNAMI also issues a quarterly report on the human rights situation in the country.

Peacekeeping, peacebuilding and transparency of armed forces

31. United Nations peacekeeping and peace operations are contributing to stability and democratization in an increasing number of countries. Facilitating national reconciliation and building institutions in countries emerging from conflict have also been a priority for the United Nations.

32. The Police Division in the Department of Peacekeeping Operations is supporting the police components of peacekeeping operations in all aspects of their work. The Department of Political Affairs peacebuilding support offices provide technical assistance and training for police and other public servants. The Department of Public Information also assists newly democratic Governments through the support it provides to the information components of peace operations, through the promotion of peacebuilding and through its work with media in post-conflict countries.

33. In transitional democracies, the Office of the United Nations High Commissioner for Human Rights endeavours to establish and strengthen the basic infrastructure for building democratic societies, with a focus on facilitating national reconciliation and peacebuilding processes in the countries emerging from conflicts through, inter alia, the establishment of truth and reconciliation commissions. The United Nations Office at Geneva, together with the Organization for Security and Cooperation in Europe and the Council of Europe, have discussed peacebuilding in their annual tripartite meetings, emphasized its fundamentally political character and highlighted the fact that an effective peacebuilding strategy must address the country-specific root causes of conflict.

34. The United Nations Regional Centre for Peace and Disarmament in Africa, in partnership with the African Union, is implementing the African Security Sector Reform Programme, which has resulted in the adoption of a draft code of conduct for African armed and security forces. At the global and regional levels, in order to promote transparency on armaments, the Office for Disarmament Affairs maintains and promotes the use of the United Nations Register of Conventional Arms, a public record that collects information about production, holdings and transfers of the seven categories of major conventional weapons systems. The Office for Disarmament Affairs also maintains the United Nations standardized instrument for reporting military expenditures.

Improving accountability, transparency and quality of governance

35. Enhancing accountability and responsive institutions is a critical element of UNDP efforts in democratic governance for human development, focused on: (a) strengthening legislatures, regional elected bodies and local assemblies; (b) supporting public administration reforms in national Governments and local authorities; and (c) promoting access to justice and the rule of law. Priority is given to strengthening the mechanisms of responsiveness and public accountability and the concerns and interests of poor people, women and other marginalized groups. Weaknesses in accountability systems involve a lack of interaction among

institutions and sectors. One main initiative therefore will focus on multisectoral accountability mechanisms.

36. In March 2007, the Board of Executive Directors of the World Bank Group endorsed a new governance and anti-corruption strategy which calls for taking a comprehensive approach at the country, operational and global levels. The World Bank has also supported the establishment of freedom of information regimes. With the Bank's support, a growing number of countries have adopted a freedom of information law and improved transparency in Government.

37. The United Nations Convention against Corruption is the first global legally binding instrument against corruption that requires States to establish criminal and other offences to cover a wide range of acts of corruption to promote and strengthen measures to prevent and combat corruption, to facilitate international cooperation and technical assistance in the prevention of and fight against corruption and to promote integrity, accountability and proper management of public affairs and public property.

38. The United Nations Office on Drugs and Crime provides technical assistance and legal advisory activities to Member States in support of the implementation of the United Nations Convention against Corruption. In collaboration with the United Nations Interregional Crime and Justice Research Institute, it has also finalized and published legislative and technical guides to promote its implementation.

B. Decentralization and local governance in the democratization process

39. One of the important trends on which the United Nations focuses in the area of democratization is the support provided to new Governments in decentralization and local governance. The United Nations Institute for Training and Research has a Decentralized Cooperation Programme that trains newly elected mayors, local council leaders and technical staff in the fields of local governance, leadership and management skills. It also provides training to local government representatives in the fields of strengthening local governance and service delivery. The World Bank on its part helps countries decentralize fiscal and administrative responsibilities. The Economic and Social Commission for Western Asia has a number of initiatives for strengthening local governments and the capabilities of local communities.

40. UNDP engages directly with key stakeholders to strengthen civic engagement at the local, regional and national levels. Mechanisms and opportunities for this engagement include electoral laws, institutions, processes, mobilization and communications channels. UNDP democratic governance initiatives are designed to help the participation of all — with particular emphasis on marginalized sectors of society — in public policy dialogues and decision-making.

C. Support for media

41. Free media promotion in new and restored democracies has been an important area of the United Nations system's assistance. It helps train media personnel, emphasizing independence, ethics and media responsibilities in democratic societies, including support for women.

42. The Department of Public Information has been actively promoting issues of democratic governance through the United Nations News Centre portal. The news stories are distributed through the associated news service to over 48,000 subscribers worldwide. In addition, the *Yearbook of the United Nations* has regular coverage of the activities of the Organization related to new and restored democracies. The Department also promotes free media through the Reham Al-Farra Memorial Journalists Fellowship Programme, which includes young journalists from new or restored democracies.

43. As peace operations bring or support democratic practices in post-conflict countries, the public information components are vital to informing host populations of the various elements of the peace process, including elections and the formation of democratic institutions. The Department of Public Information mission radio stations serve as models of neutral and democratic reporting. These components also include training local media and provision of technical assistance to media and communication offices of newly democratic States.

D. Democracy and terrorism

44. The United Nations has intensified its efforts to provide technical assistance in preventing and combating terrorism. An increasingly important part of the United Nations assistance has been focused on strengthening the legal regime against terrorism, which undermines the progress in building a democratic society in new or restored democracies. The United Nations Global Counter-Terrorism Strategy has encouraged the United Nations Office on Drugs and Crime to enhance its provision of technical assistance to Member States through increased focus on developing the capacity of criminal justice systems to implement the provisions of the universal legal instruments against terrorism.

45. The Office for Disarmament Affairs promotes the universalization of a series of international and regional instruments in the area of disarmament and non-proliferation, all of which have a direct bearing on many aspects of the terrorist threat. It encourages States to implement their obligations under these instruments and assists them in capacity-building across a broad range of issues.

E. Democracy and gender

46. UNIFEM has undertaken extensive programming to encourage community-led approaches to women's participation in conflict resolution and peacebuilding, and is cultivating strategies with local governments, law enforcement agencies and communities to reduce the vulnerability of women and girls to sexual violence during and after conflicts and crises. It strives to create enabling environments for women's effective participation in peacebuilding and post-conflict recovery by engaging national, regional and community decision makers, local police and informal institutions.

47. In 2006, the United Nations International Research and Training Institute for the Advancement of Women developed a practical, in-depth guide for the creation of effective policies and plans on women, peace and security issues. "Securing equality, engendering peace: a guide to policy and planning on women, peace and

security" looks at a crucial step on the path towards the full implementation of existing laws and the formulation and implementation of concrete action plans.

48. The Gender Unit within the Peacekeeping Best Practices Section of the Department of Peacekeeping Operations has established a gender funding facility aimed at increasing the capacity of women's groups and institutions involved in the protection of women in host countries of Department-led missions and at increasing women's participation in peace processes. The facility, through gender units in the missions, has supported more than 15 projects in 10 different missions in cooperation with national organizations.

49. UNDP and UNIFEM are the key collaborators in the project on women's participation in the political process, which aims to construct a useful and updated knowledge base on ongoing processes in gender, governance and women's participation through the compilation of research and studies and the exchange of experiences. The United Nations Democracy Fund is also actively engaged. Sixty-two per cent of the proposals submitted to the Fund have an important gender component and 37 per cent focus explicitly on the promotion of women's rights and gender equality.

F. Building democratic leadership and management skills

50. The development of new and restored democracies requires learning and building on the strengths and accomplishments of old and established democracies. An important focus for learning for both new and old democracies is in the leadership and management areas.

51. The United Nations Democracy Fund, UNDP and the United Nations Children's Fund are building leadership skills through training, workshops and fellowships. Encouraging the participation of youth in the political processes is an important aim of United Nations Democracy Fund projects. The World Bank also helps countries strengthen their public financial management by teaching management skills.

G. Support for democratic processes through good offices

52. The Secretary-General also promotes democracy through quiet diplomacy, the provision of "good offices", to try to defuse potential conflicts and to support democratic processes. The Secretary-General has provided good offices in a wide range of situations, offering an avenue for the resolution of inter-State wars and intra-State wars, border disputes, maritime disputes, constitutional disputes, electoral disputes, questions of autonomy and independence and a vast range of other disagreements and problems.

53. The content and objective of the good offices and of the mediation efforts are often associated with the establishment of good governance practices and the institutional framework for democratization in countries that ask for it. The 2005 World Summit recognized the important role of the good offices of the Secretary-General, including in the mediation of disputes (resolution 60/1, para. 76) and supported efforts to strengthen the United Nations capacity in this area. The General Assembly subsequently approved a start-up mediation support capacity in the

Department of Political Affairs (see resolution 60/246). To this end, a Mediation Support Unit was established to serve as a central repository for peacemaking experience and to act as a clearing house for lessons learned and best practices.

V. Improving the cooperation and coordination between the United Nations and its international partners in the promotion of democracy

54. In its resolution 58/13, the General Assembly already requested that the Secretary-General examine options for making the International Conference of New or Restored Democracies and its follow-up more effective. In the Secretary-General's 2005 report to the General Assembly on new or restored democracies (A/60/556), he underlined the need to bring more coherence and direction to the United Nations system's support of the democratization processes. He indicated that he planned to ask relevant United Nations entities to study the comparative advantages, complementarity and desirable distribution of labour of various intergovernmental democracy movements, organizations and institutes, whether global or regional, and on how the United Nations system has worked and could further work with them in a mutually supportive way.

55. In response to these requests and commitments the following two sections will discuss the work of major intergovernmental movements and organizations working in the democracy field outside the United Nations and how joint cooperation with them could be further strengthened in the years ahead.

Intergovernmental democracy movements and organizations with a global reach

56. The two major global democracy movements, the International Conference of New or Restored Democracies and the Community of Democracies have already established themselves within the international community. The two other major democracy-related organizations that work globally, namely the International Institute for Democracy and Electoral Assistance (International IDEA) and the Inter-Parliamentary Union (IPU), have also made major contributions to this field of increasing importance.

International conference of new or restored democracies

57. The International Conference of New or Restored Democracies began as an initiative of the Philippines in 1988 to support recently democratized countries through international cooperation. Conferences have been held in Manila in 1988; Managua in 1994; Bucharest in 1997; Cotonou, Benin, in 2000; Ulaanbaatar in 2003; and Doha in 2006. The United Nations became involved when the Secretary-General was asked by the Managua Conference and the General Assembly to explore the ways and mechanisms in which the United Nations system could support the efforts of Governments to promote and consolidate new or restored democracies and to submit a comprehensive report on the subject to the Assembly at its fiftieth session (see resolution 49/30). Starting from the Cotonou Conference, all States Members of the United Nations are invited to the Conference.

58. In terms of the support of the United Nations system, the then Secretary-General Boutrous Boutrous-Ghali and his senior staff supervised the first inventory

of the United Nations system's assistance to new or restored democracies, which was the basis of his policy document, *An Agenda for Democratization*, published in 1996.[1] Subsequently, the Department of Political Affairs took over the coordination of the preparation of the inventory and policy reports to the General Assembly, dealt with the policy coordination issues, advised the Chairmen of the Conferences on policies and procedures and liaised with the organizers of the Parliamentary and the Civil Society Forums.

59. UNDP has supported the hosts of the Conferences by providing consultants or staff members to assist in the organization of the conferences, their various panels and studies submitted for discussion. Country or regional offices of UNDP have provided funds, staff and expertise to the hosts, issued publications of the Conference proceedings and provided funds for the participation of the least developed countries. The Department of Economic and Social Affairs has provided some of the same services over the years.

Community of democracies

60. In 2000, organized by seven States (the United States of America, Poland, the Czech Republic, Chile, India, Mali and the Republic of Korea), the Community of Democracies held its inaugural meeting in Poland, bringing together over 100 countries that signed the Warsaw Declaration. After Warsaw, the Community of Democracies held conferences in Seoul in 2002 and Santiago in 2005. The next conference is scheduled to be held in Bamako from 15 to 17 November 2007. In 2004, the Governments of the Community of Democracies formed a Democracy Caucus in the United Nations.

61. The Convening Group, now consisting of 16 States, works on a consensual basis to reach decisions and admit new Governments into the Community. Admittance requires the applicant country to demonstrate a commitment to the democratic principles and practices outlined in the Warsaw Declaration. Countries that fulfil the requirements are invited to the conference as participants, while Governments that are deemed to be in transition and have not fulfilled the requirements may be invited as observers. The chairmanship of the Convening Group rotates, with the chairing country acting as host of the conference.

62. Regarding the United Nations support for the Community of Democracies, UNDP has provided assistance since the Warsaw conference. The support includes a trust fund to pay for the travel expenses of representatives of least developed countries, providing strategic advisers for the hosts to draft documents and plans of action and attending preparatory meetings. UNDP is currently supporting the current Chairman, Mali, through the UNDP office in Bamako, and the Democratic Governance Group in New York is providing an adviser to the Chairman working from the Washington office of UNDP.

International IDEA

63. International IDEA is an intergovernmental organization that focuses on democracy-building and has 25 member States in its Council representing all regions of the world. The organization contributes to the international community by providing access to its extensive knowledge base, consisting of specialized capacity-

[1] United Nations publication, Sales No. E.97.1.3.

building tools and practitioners' networks in electoral processes, political parties, constitution-building, gender and democracy, a state of democracy assessment methodology based on the principle of local ownership and the practice of democratic dialogue.

64. International IDEA has established, among other things, the Electoral Knowledge Network (ACE) in cooperation with the Electoral Institute of Southern Africa, Elections Canada, the International Foundation for Election Systems (IFES), the Federal Electoral Institute of Mexico, the Electoral Assistance Division of the Department of Political Affairs, the Department of Economic and Social Affairs and UNDP. It is a portal containing comprehensive information on elections. It also promotes networking among election-related professionals and offers capacity-development services. IDEA has also developed a professional development curriculum (BRIDGE) for electoral officials together with the International Foundation for Election Systems, the Australian Election Commission, the Department of Political Affairs and UNDP.

65. Through the recent opening of an office in New York as Permanent Observer for International IDEA to the United Nations, the organization plans to enhance its strategic outreach and programmatic relations with the United Nations and to liaise with Member States so as to increase both the policy relevance and impact of the work of IDEA on democracy-building. IDEA already has close cooperation with the Department of Political Affairs, UNDP, the Department of Economic and Social Affairs, the Department of Peacekeeping Operations, the United Nations Democracy Fund and the Peacebuilding Support Office.

66. IDEA has been participating in meetings of the Community of Democracies and the International Conference of New or Restored Democracies. The Fifth International Conference of New or Restored Democracies was particularly important for testing the International IDEA state of democracy assessment methodology in a host country, Mongolia. Based on the methodology, the Government of Mongolia took the challenge of self-assessing the quality of its democracy, with the support of UNDP and other donors, and reported to the following International Conference of New or Restored Democracies, in Doha in November 2006, on the results achieved, providing a model for other States Members of the United Nations to follow.

Inter-Parliamentary Union

67. The Inter-Parliamentary Union (IPU) adopted a Universal Declaration on Democracy in 1997. In line with the Declaration, there has been growing cooperation between the United Nations and IPU in an effort to bring a parliamentary dimension to the work of the United Nations and to support parliamentary institutions in emerging democracies and post-conflict countries in four key areas: strengthening representative institutions; promoting and defending human rights; promoting partnership between men and women in political life; and setting standards as well as sharing information on parliaments and democracy.

68. In 2005, IPU worked with UNDP in developing guidelines designed to enhance the capacity of parliaments in countries devastated by conflict. It has continued to provide technical and advisory assistance to parliaments throughout the world, in cooperation with UNDP, the European Commission and several donors. In recent years, IPU has developed a partnership with the Peacebuilding Commission in supporting parliaments in Burundi and Sierra Leone. It has also developed close cooperation with the Department of Political Affairs and the Department of

Economic and Social Affairs in developing a strong parliamentary component of the main United Nations processes in the realm of global governance, including the recent Seventh Global Forum on Reinventing Government. Another important joint initiative is the Global Centre for Information and Communication Technology in Parliament, launched by IPU and the Department of Economic and Social Affairs in November 2005.

69. The Fifth and Sixth International Conferences of New or Restored Democracies followed a tripartite format and IPU organized a Parliamentary Forum on both occasions. In response to the plan of action adopted by the Parliamentary Forum of the Fifth Conference, it developed a guide for democratic parliaments under the title "Parliament and Democracy in the Twenty-First Century". IPU has the lead responsibility for implementing the plan in cooperation with the host, Qatar. In March 2007, IPU organized an expert meeting, in cooperation with the Department of Political Affairs and the host of the Sixth Conference, in the Swedish Parliament in Stockholm, on the past, present and future of the International Conference of New or Restored Democracies.

Regional and other intergovernmental organizations

70. DPA sent a letter in April 2007 to those regional and intergovernmental organizations that have participated in the Secretary-General's periodic high-level meetings, asking for their contribution to the present report. As the replies received contain valuable information for the whole international community, the Secretary-General is proposing that all the replies received be stored in the databank that the Chairman of the Sixth International Conference on New or Restored Democracies, the Government of Qatar, is in the process of establishing. These replies and other consultations undertaken already show a number of important trends as to how the regional and other intergovernmental organizations stress democracy and governance promotion in their work.

71. Some regional and other intergovernmental organizations have democracy promotion or principles of democracy already explicitly mentioned in their founding documents. Examples are:

(a) Organization of American States (OAS) Charter, 1948;

(b) The North Atlantic Treaty Organization, 1949;

(c) Statute of the Council of Europe, 1951;

(d) Treaty of Economic Community of West African States (ECOWAS), 1976;

(e) Treaty on European Union, 1993;

(f) Comunidade dos Países de Língua Portuguesa (Community of Portuguese-speaking Countries, CPLP) Declaração Constitutiva da CPLP, 1996;

(g) Constitutive Act of the African Union (AU), 2000;

(h) Treaty of the Southern African Development Community, 2002;

(i) Charte de la Francophonie, 2005.

72. Democracy promotion and principles have also been explicitly mentioned in declarations establishing organizations or their charters, such as:

(a) Declaration on the Establishment of the Shanghai Cooperation Organization, 2001;

(b) Kuala Lumpur Declaration on the Establishment of the Association of Southeast Asian Nations (ASEAN) Charter, 2005.

73. In addition, a number of regional and other intergovernmental organizations have recently adopted charters or declarations specifically related to democracy or governance promotion. Examples are:

(a) ECOWAS Declaration of Political Principles, 1991;

(b) Economic Community of Central African States (ECCAS), Bata Declaration for the Promotion of Lasting Democracy, Peace and Development in Central Africa, 1998;

(c) Organization Internationale de la Francophonie (OIF), Bamako Declaration and Bamako Plan of Action on the Assessment of the Practices of Democracy, Rights and Freedoms, 2000;

(d) ECOWAS Protocol on Democracy and Good Governance, 2001;

(e) OAS Inter-American Democratic Charter, 2001;

(f) AU Charter on Democracy, Elections and Governance, 2007.

74. Some organizations have also established special democracy promotion structures or organizational mechanisms, such as:

(a) Organization for Security and Cooperation in Europe Office for Democratic Institutions and Human Rights, set up in 1992;

(b) OAS Department for the Promotion of Democracy, reorganized, in 2001;

(c) Council of Europe Congress of Local and Regional Authorities;

(d) The Commonwealth's Ministerial Action established in 1995 to recommend measures for collective Commonwealth action aimed at the speedy restoration of democracy and constitutional rule.

75. Some others have special democracy or governance programmes, such as the Pacific Islands Forum Pacific Islands Governance Initiative (2002-2008).

76. Others have special charters on human rights and civil society with close links to democracy promotion, such as:

(a) Council of Europe, Protocol No. 4 to the European Convention for the Protection of Human Rights and Fundamental Freedoms, 1963;

(b) AU African Charter on Human and Peoples' Rights, 1981;

(c) Organization of the Islamic Conference Cairo Declaration on Human Rights in Islam, 1990;

(d) Caribbean Community Charter of Civil Society for the Caribbean Community, 1996;

(e) European Union Charter of Fundamental Rights, 2000;

(f) Intergovernmental Authority on Development Khartoum Declaration, 2000;

(g) League of Arab States Arab Charter on Human Rights, 2004.

77. A number of inter-organizational meetings and conferences on democracy promotion have also been organized recently. In the high-level meetings which the Secretary-General convenes with heads of regional and other intergovernmental organizations, democracy promotion has been included in the programme of work although not yet discussed extensively. In addition, AU and OAS, on the initiative of the Community of Democracies, held a conference, "Democracy Bridge: Multilateral Regional Efforts for the Promotion and Defense of Democracy in Africa and America", in Washington, D.C., from 10 to 12 July 2007. The Council of Europe has also established a Forum for the Future of Democracy, which had its latest meeting in Sigtuna, Sweden, from 13 to 15 June 2007.

78. All of the foregoing developments and examples show that democracy and governance promotion have become major areas of interest to regional and other intergovernmental organizations as well as to the United Nations system.

VI. Observations and recommendations

79. In his 2005 report on new or restored democracies (A/60/556), the Secretary-General noted that the next discussion by the General Assembly at its sixty-second session on the item would provide a good opportunity to have a full exchange of views to decide on substantive and institutional measures needed to expand the assistance programmes of the United Nations system in that area. The Secretary-General called upon the General Assembly to come to a decision, taking into account all financial implications, on how to strengthen United Nations support to the Chairman of the International Conference of New or Restored Democracies and United Nations cooperation with relevant movements and organizations to make their increasingly important work in this area more effective and fully complementary in nature.

80. I support full discussion of the General Assembly on the role of the United Nations in democracy assistance and how our cooperation with movements and organizations described in the present report could be further strengthened. In this light, the following observations and recommendations are made.

United Nations support for the intergovernmental democracy movements and organizations with a global reach

81. An issue of special interest for the international community is the complementarity, distribution of labour and coordination between the International Conference of New or Restored Democracies and the Community of Democracies as States Members of the United Nations attend both conferences, their special meetings and panels and contribute financially to their activities.

82. The Ulaanbaatar Conference of September 2003 already urged the Chairman of the International Conference of New or Restored Democracies to initiate discussions with the Chairman of the Community of Democracies on ways of bringing the two movements closer together, in a complementary manner. The Doha Declaration of November 2006 encouraged consultation and increased cooperation to facilitate technical cooperation, including exchange of experiences about specific issues of common interest. On its part, the Community of Democracies also supported cooperation in the 2005 Santiago Ministerial Commitment, entitled "Cooperating for Democracy". In response, the Chairman of the Sixth International

Conference of New or Restored Democracies, the Government of Qatar, plans to initiate a consultative meeting with the Community of Democracies in 2009.

Recommendation 1
Avoiding duplication

83. The International Conference of New or Restored Democracies and the Community of Democracies should avoid duplication in the planning and execution of their future activities. Creating mechanisms for coordination and cooperation could be considered by both movements. The United Nations will be ready to provide assistance in this regard if requested by both movements.

Recommendation 2
Cooperation with International IDEA

84. Given that International IDEA and the International Conference of New or Restored Democracies have a long history of working together and furthering the same goals and values, future Conference hosts could consider using IDEA as a continuous resource that could be available for the movement on a long-term basis, in close cooperation with the United Nations. The IPU supporting role for organizing the Parliamentary Forums of the Ulaanbaatar and Doha Conferences is a model for how different global organizations and movements and the United Nations can work together. IDEA could also assist the Community of Democracies in their areas of mutual interest. The General Assembly could welcome the intention of International IDEA to strengthen its cooperation with the United Nations.

Recommendation 3
Democracy database and website

85. With regard to the democracy database and website:

(a) Given that the Government of Qatar, the Chairman of the Sixth International Conference of New or Restored Democracies, has committed to supporting and maintaining a new democracy databank, newsletter and Conference website, but only for the duration of its chairmanship, the United Nations departments, programmes and funds, as well as the General Assembly, should consider providing funds for future hosts to maintain such a databank and website on a continuous basis;

(b) The United Nations system could also provide technical assistance in the creation of the aforementioned databank and website and provide necessary data, including the transfer of original contributions received from the States Members of the United Nations, the United Nations system, regional organizations and other partners for the present report;

(c) To support the coordinating role of the Department of Political Affairs in providing assistance for the hosts of the International Conference of New or Restored Democracies, the Secretary-General will ask the Department to develop and maintain a website on democracy promotion, subject to necessary financing, in close cooperation with the United Nations system and other international partners mentioned in the present report.

United Nations cooperation with regional and other intergovernmental organizations in democracy promotion

86. Section V of the present report indicated that many regional and other intergovernmental organizations have recently adopted charters or declarations related to democracy promotion or created structures and programmes on democratic governance. Another interesting trend is inter-organizational cooperation in the area of democracy.

Recommendation 4
Sharing regional experiences in democracy promotion

87. As a number of regional, subregional and other intergovernmental organizations have recently adopted democracy-related charters or declarations, their experiences gained in initiating, adopting and implementing various international legal instruments related to democracy promotion could be shared with other such organizations and the United Nations. The joint meeting of AU and OAS to discuss democracy-related issues could be a model for other regional, subregional or intergovernmental organizations to consider. The United Nations is willing to facilitate this cooperation and the General Assembly could be informed of the results achieved.

Recommendation 5
Cooperation between regional organizations and global democracy movements

88. As many regional and other intergovernmental organizations have extensive programmes in democracy promotion and governance but have so far had only marginal or no participation in the meeting of the International Conference of New or Restored Democracies and the Community of Democracies, wider participation in and contribution to the two movements should be considered by them in the future. The United Nations could make information available about future activities of the two movements to regional and other intergovernmental organizations. The democracy websites, databank and newsletter mentioned in recommendation 3 above would provide useful channels for distributing this information online.

Securing resources

89. The discussion in sections IV, V and VI of the present report has made clear that the work of the United Nations system and its partners in the democracy field has greatly expanded in recent years. The resources have mostly been based, however, on voluntary contributions. As democracy promotion is not an activity that any donor — usually coming from the North and developed countries — should dominate, the funding should be more broadly based and supported by the General Assembly.

Recommendation 6
Strengthening the democracy assistance of the United Nations

90. The General Assembly should appropriate sufficient funds in the United Nations regular budget to facilitate the implementation of the foregoing recommendations.

91. I hope that the foregoing recommendations can be fully discussed by the General Assembly during its sixty-second session. I will also bring them to the attention of the United Nations system, regional organizations and other partners mentioned in the present report. On my part, I assure the international community that promotion of democracy will be one of the priorities during my term as Secretary-General. I will intensify internal discussion within the United Nations on how we can bring more coherence and consistency in the assistance we deliver in this regard so as to maximize its effectiveness, and I will report periodically to the Assembly on the decisions I take.

Annex

Selected examples of country and regional assistance of the United Nations system to new or restored democracies

Electoral assistance

- *Electoral Assistance Division/Department of Political Affairs and Department of Peacekeeping Operations*. In conflict situations, the Electoral Assistance Division is involved in conceptualizing, staffing and supporting the electoral components of peacekeeping or special political missions. Such work is ongoing in the Democratic Republic of the Congo, Iraq and Nepal.
- *United Nations Development Programme, United Nations Assistance Mission in Afghanistan and United Nations Democracy Fund*. In Afghanistan, they support the joint civil and voter registry pilot project which will lay the ground for a nationwide programme in 2007-2008.
- *United Nations Development Fund for Women*. The involvement of the United Nations Development Fund for Women (UNIFEM) in voter registration in Liberia has helped to ensure the high levels of female voter engagement in national elections that brought Ellen Johnson-Sirleaf to power. In the occupied Palestinian territory, it joined efforts with the Women's Affairs Centre in the Gaza Strip to advocate for the rights of female council members and to build their capacity.

Enhancing efficient public administration and the rule of law

- *Department of Economic and Social Affairs*. In collaboration with the Pan-African Parliament, the Department implements the project of strengthening parliamentary information systems in Africa and supports judicial reforms in Togo, concentrating on strengthening capacities and modernizing the judicial system for better governance.
- *The World Bank*. In Albania, the Bank undertook wide-ranging administrative reforms, initially focused on introducing meritocracy and market-competitive pay for the country's top 1,300 civil servants. A project in Slovakia has financed the redesigning of the "judicial map", resulting in a redistribution of court jurisdiction and reduction of 10 courts.
- *Economic and Social Commission for Western Asia and United Nations Development Group*. In Iraq, in order to build the capacity of Iraqi ministries for better governance, training workshops have been developed, organized and implemented.
- *Office of the United Nations High Commissioner for Human Rights and United Nations Office for Project Services*. In Iraq, the Office of the United Nations High Commissioner for Human Rights (OHCHR) has a three-phase constitutional support programme that is being implemented for the Constitutional Review Committee of the Iraqi Council of Representatives.
- In Timor-Leste and Kosovo, OHCHR has provided expert advisory opinions on a number of draft laws and procedures.

- *Office of the United Nations High Commissioner for Refugees*. In the Western Balkans, the Office has promoted and assisted in voluntary repatriation and return programmes to Croatia and to, and within, Bosnia and Herzegovina and the local integration of refugees in Serbia. It also engaged in systematic training activities on asylum.

- *Department of Peacekeeping Operations*. The Department has been providing advice and assistance in developing judicial reform strategy in Afghanistan and Iraq. On occasion, it has been requested to assist national authorities in the selection of judges and prosecutors. The United Nations Interim Administration Mission in Kosovo (UNMIK) developed the Kosovo Judicial and Prosecutorial Council to participate in the process of vetting and selecting judges and prosecutors and the development of a judicial inspection capacity.

Human rights protection and promotion

- *Office of the United Nations High Commissioner for Human Rights and United Nations Development Programme*. In Burundi and Sierra Leone, OHCHR has conducted several activities to assist the Parliaments. In 2005, the OHCHR regional office for the Middle East initiated the process leading to a national plan of action for human rights in Lebanon, supported by the UNDP project on strengthening the capacity of the Lebanese Parliament.

- In Tajikistan, a significant achievement of OHCHR in 2006 was the inclusion of human rights, in the curriculum for secondary schools and the development of learning manuals. Among the numerous OHCHR field presences, the Yaoundé Subregional Centre for Human Rights and Democracy in Central Africa plays a particularly active part in supporting democratization processes in the 11 countries of the region.

- *United Nations Development Fund for Women and United Nations Children's Fund*. The two Funds have supported inclusion of gender equality provisions in the development of new Constitutions in Bolivia, Iraq, Montenegro and Thailand, and in the interim constitutions of Nepal and the Sudan. They also support removal of discriminatory provisions from existing legislation and policies in Burundi, Ecuador, Liberia and Nepal and have provided technical and financial support to numerous new or restored democracies to formulate or implement laws and policies that strengthen women's rights and gender equality. Moreover, they provided technical support and/or advocacy for rape laws and policies in the Democratic Republic of the Congo, Liberia, Kenya and Zimbabwe, and domestic violence policies in Bolivia, Brazil, Chile, Kazakhstan, Sierra Leone, the Bolivarian Republic of Venezuela and Zimbabwe.

- In Morocco, UNIFEM is partnering with the Consultative Council on Human Rights to strengthen the democratic transition currently under way.

- *United Nations Democracy Fund*. In partnership with the Inter-Parliamentary Union, it funds a regional project in Africa focused on improving compliance with the human rights treaty body system.

- *Department of Political Affairs and United Nations Assistance Mission for Iraq*. In partnership with Iraqi ministries, entities of the civil society and

concerned United Nations agencies, UNAMI has conducted several workshops and projects on promoting human rights, as well as on reforming the judicial system and strengthening the rule of law in Iraq.

Peacekeeping, peacebuilding and transparency of armed forces

- *Department of Peacekeeping Operations*. The police component of UNMIK supports building the capacity and integrity of the Kosovo Police Service.
- The Police Component of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) supports building the capacity and integrity of the Congolese National Police and related law enforcement agencies.
- *United Nations Development Fund for Women*. Its programmes involve women in peacebuilding, institutional reform and security activities in Afghanistan, Burundi, Colombia, the Democratic Republic of Congo, Iraq, Liberia, Timor-Leste and Kosovo. Community-led peace and security programming is also under way in Haiti, Rwanda and Uganda.
- *Department for Disarmament Affairs/Regional Centre for Peace and Disarmament in Africa*. In February 2007, the Regional Centre launched the African Security Sector Reform Programme's first pilot project entitled "Promotion of Civil-Military Relations in Togo".
- *United Nations Office at Geneva*. In collaboration with the Geneva Centre for the Democratic Control of Armed Forces, the Office organizes seminars on various aspects of post-conflict peacebuilding and security sector reform.
- *Department of Economic and Social Affairs*. With the University of Ghana, the Department has continued to collaborate on training programmes in a range of conflict-prevention and peacebuilding areas.
- *Economic and Social Commission for Western Asia*. The Commission engaged in the "National Reconciliation and Reduction of Ethno-Sectarian Tensions in Iraq through Education" programme. This project aims to reduce tensions by targeting youth.

Improving accountability, transparency and quality of governance

- *Department of Economic and Social Affairs and United Nations Office on Drugs and Crime*. Together with the Controller General of Brazil, they participate in anti-corruption technique programmes in order to prevent and eliminate corruption in the federal Government of Brazil.
- *Department of Economic and Social Affairs*. In 2007, the Department hosted the seventh Global Forum on Reinventing Government on the theme of "Building Trust in Government" at the United Nations Office at Vienna.
- *Department of Peacekeeping Operations and United Nations Stabilization Mission in Haiti*. The two have provided technical assistance and support to the Ministry of Justice in Haiti in the area of legislative drafting and development. This assistance facilitated the establishment of a High Council of

the Magistrature, the re-establishment of the Magistrates School and legislation governing the judiciary.

- UNMIK has both drafted, and assisted national counterparts to develop, a full range of legislation in virtually all areas.
- The United Nations Democracy Fund supports a project by Transparency Brazil that monitors the Brazilian legislative houses and representatives. The project was the Internet electoral phenomenon of the Brazilian 2006 general elections. In the two months of its existence, there were more than 7.5 million visits to the candidates' pages.
- The United Nations Democracy Fund, in partnership with the United Nations Office on Drugs and Crime, supports a project to promote the implementation of the United Nations Convention against Corruption in Liberia, Mauritania and Togo.
- *United Nations Development Fund for Women*. In Argentina, the Fund is partnering with the Fundación Mujeres en Igualdad for a project that seeks to organize and mobilize women in order to promote transparency and efforts for ensuring the right of access to information. The programme will employ strategies that combine a traditional political approach with attention to harnessing civil society's organizational and advocacy potential.
- The World Bank has supported the establishment of institutional arrangements in the Sudan to ensure that fiduciary concerns are adequately addressed while longer term capacity is built.

Decentralization and local governance

- *The World Bank*. In Sierra Leone, the World Bank established an intergovernmental transfer system, including block grants to finance local government development projects conducted within the framework of Sierra Leone's Institutional Reform and Capacity-Building Project.
- *Economic and Social Commission for Western Asia*. The Commission's Employment Creation and Income Generation project, administered through the Development of Micro and Small Agro-Industries in South Lebanon, seeks to build the capacities of local communities by enhancing the skills of men and women in South Lebanon in the agricultural and agro-industrial sectors. Another initiative is the Multipurpose Technology Community Centres in Support of Employment Creation, which are to be established in three selected impoverished localities in the Basra region of Iraq.
- *United Nations Institute for Training and Research*. In Palestine, through a joint project with the United Nations Human Settlements Programme, the Institute trains newly elected mayors, local council leaders, technical staff and the Ministry of Local Government in the fields of local governance, leadership and management skills. In Iraq, through a joint project with UNDP, it is providing training to representatives of the Ministry of Local Government, Provinces and Municipalities in the fields of strengthening local governance and service delivery.

- *United Nations Democracy Fund.* The Fund's project in Bulgaria aims to improve the accountability and transparency of the local administration by institutionalizing and building the capacity of municipal ombudsmen, as well as by fostering the access of citizens of local communities.

Support for media

- *Office of the United Nations High Commissioner for Human Rights.* The Office organized regular briefings and training workshops in several countries, including Colombia and Guatemala, for media professionals on human rights themes. In Burundi, it built close collaboration with the national media and provided continuous support to national human rights protection networks, including women leaders of grass-roots communities. In Angola, it supported two weekly radio programmes with full national coverage, addressed human rights and participated in funding a special human rights magazine intended for opinion leaders throughout the country.

- *Department of Public Information.* United Nations Radio has broadcasted numerous reports on the elections in such countries as Timor-Leste, Iraq, Haiti, Côte d'Ivoire, the Democratic Republic of the Congo, Nepal and Liberia. *The United Nations Chronicle* and *Africa Renewal* published a number of articles on governance aimed at increasing public understanding and support for the efforts of Governments to build or restore democratic rule in Africa.

- *United Nations Democracy Fund.* In Tajikistan, the Fund supports the initiative implemented by Khoma, a local association, aimed at creating a network of lawyers and media law experts to defend the interests of independent television, press and radio stations, and to analyse laws regulating media activities. With a journalists' association in Timor-Leste, it trains and equips Timorese journalists to gain experience and professionalism. In the Philippines, it strengthens the critical role of the press as a watchdog and underscores media ethics and responsibility in partnership with the Local Centre for Community Journalism and Development.

Democracy and terrorism

- *United Nations Office on Drugs and Crime.* Within the framework of the Global Project on "Strengthening the Legal Regime against Terrorism" launched in 2003, the Office provides assistance to New or Restored Democracies in ratifying and implementing the universal legal instruments against terrorism. Approximately 5,000 national criminal justice officials have been provided with specialized substantive briefings on the legal international regime against terrorism; 35 regional and subregional counter-terrorism workshops were conducted and 7 technical assistance tools have been developed.

Democracy and gender

- *Economic and Social Commission for Western Asia.* In support of the new Iraqi Government, the Commission's Centre for Women carried out a workshop for parliamentarians and civil society activists in September 2005, co-sponsored by the Woodrow Wilson International Centre for Scholars.
- *United Nations Democracy Fund and United Nations Development Fund for Women.* The two Funds support a programme to increase women's political empowerment and to promote legislation that protects women from sexual and gender-based violence in Rwanda, Burundi and the Democratic Republic of the Congo.
- *International Research and Training Institute for the Advancement of Women.* With funding from the Spanish Agency for International Cooperation and the National Institute of Women in Mexico, the Institute launched a three-year project on "Strengthening governance with a gender perspective and women's political participation at the local level" to contribute to promoting women's rights, gender equality and women's political participation and leadership in local government planning and management.
- *United Nations Development Programme and United Nations Development Fund for Women.* The two organizations have collaborated on the iKNOW politics initiative, a new knowledge network connecting women in politics.

Building democratic leadership and management skills

- *United Nations Institute for Training and Research.* The Hiroshima Fellowship for Afghanistan, launched in November 2003, aims at building leadership and management skills and providing technical and institutional support to a core group of senior Afghan government officials, academics and practitioners.
- *United Nations Democracy Fund and United Nations Development Programme.* The UNDP Regional Centre in Bangkok supports an initiative for the development of young governance leaders from the Asia-Pacific region. The project aims at providing young leaders from the Asia-Pacific region with an opportunity to strengthen and develop their capacity to lead and influence democratic governance processes.
- *World Bank.* In Liberia, the Bank helped to prepare and negotiate the Governance and Economic Management Action Plan in August 2005.
- *Department of Economic and Social Affairs and United Nations Development Programme.* The Department and the Programme carried out subregional consultations on "Capacity-building for the peaceful management of conflict in Central American and Caribbean States" in the Dominican Republic in June 2007.

Support for democratic processes through good offices

- *Department of Political Affairs/Great Lakes Region Office.* Under the overall leadership of the Special Representative of the Secretary-General for the Great

Lakes Region Office, the Department of Political Affairs, in close consultation with other United Nations agencies, worked towards the achievement of the Pact on Security, Stability and Development in the Great Lakes Region, which includes the protocols, programmes of action and projects in the fields of peace and security, democracy and good governance.

- *Department of Political Affairs/United Nations Office in Tajikistan*. The Office was tasked to help create an enabling environment for consolidating peace, democracy and the rule of law and to liaise with the Government, political parties and other representatives of civil society in broadening national consensus and reconciliation.

- *Department of Political Affairs/United Nations Peacebuilding Support Office in the Central African Republic*. Together with the Government, political parties and civil society, the Office has the task of working towards the strengthening of democratic institutions and, to this end, takes steps needed to advance the democratic process in the Central African Republic.

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Promotion and protection of the rights of children

The girl child

Report of the Secretary-General**

Summary

The present report is submitted pursuant to General Assembly resolution 60/141. It contains a summary of the activities of human rights treaty bodies and special procedures of the Human Rights Council, with a focus on the impact of national action on the well-being of the girl child. The report also provides information on the United Nations agenda regarding efforts to prevent and treat fistula.

* A/62/150.

** The present report was submitted after the deadline owing to consultations.

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I. Introduction

1. The present report is submitted in accordance with General Assembly resolution 60/141 in which the Assembly requested the Secretary-General to submit a report at its sixty-second session on the implementation of the present resolution, including an emphasis on fistula, with a view to assessing the impact of the resolution on the well-being of the girl child. Section II of the report highlights key points raised at the fifty-first session of the Commission on the Status of Women in February/March 2007. Section III reviews work by treaty monitoring bodies and special procedures of the Human Rights Council. Section IV presents efforts by the United Nations to prevent and treat fistula.

II. Fifty-first session of the Commission on the Status of Women

2. As a follow up to the twenty-seventh special session of the General Assembly on children, at which it was recognized that achieving the development goals for children, particularly girls, was contingent upon, inter alia, women's empowerment, the Commission on the Status of Women at its fiftieth session decided to consider "The elimination of all forms of discrimination and violence against the girl child" as the priority theme in 2007. Based on this priority theme, the United Nations Division for the Advancement of Women organized an online discussion from 14 August to 8 September 2006, in which more than 500 individuals took part, in preparation for an expert group meeting which the Division organized in collaboration with the United Nations Children's Fund (UNICEF) at the Innocenti Research Center in Florence, Italy, from 25 to 28 September 2006. A number of background papers on various aspects of the theme were prepared and other papers were submitted by experts and observers. Full information, including the report on the online discussion and the final report of the expert group meeting, can be found on the website of the Division for the Advancement of Women (www.un.org/womenwatch/daw/csw/51sess.htm).[1]

3. The Secretary-General submitted two reports to the fifty-first session of the Commission. The report of the Secretary-General on the elimination of all forms of discrimination and violence against the girl child (E/CN.6/2007/2) emphasized that in 2006, during the comprehensive review of the targets in the Declaration of Commitment on HIV/AIDS, Member States recognized that gender inequalities and violence against women and girls increased their vulnerability to HIV/AIDS. A study by the World Health Organization had confirmed that large numbers of girl children were subjected to domestic sexual abuse. Discrimination and violence against the girl child remained a global phenomenon despite progress achieved.

4. The report of the Secretary-General on progress in mainstreaming a gender perspective in the development, implementation and evaluation of national policies and programmes, with a particular focus on the elimination of all forms of discrimination and violence against the girl child (E/CN.6/2007/3) assessed the extent to which attention to the girl child has been mainstreamed in policies and programmes at the national level with a focus on an assessment of trends as reported by Member States. While discrimination and violence against girls in the area of education were highlighted in many reports, little attention was paid to younger girls

[1] See Economic and Social Council resolution 2006/9, para. 23 (*a*).

in the area of health. The same applied with respect to reporting on violence, the specific situation of girls often being concealed behind generic concepts such as "women and girls", "boys and girls" or "children" in general. The report also addressed other forms of violence to which the girl child is exposed, such as harmful traditional practices affecting their health and well-being, including son preference, prenatal sex selection, female genital mutilation (FGM), early and forced marriage, early pregnancy and honour crimes. However, little explicit attention was paid to support to victims.

5. The Commission at its fifty-first session, adopted agreed conclusions on the elimination of all forms of discrimination and violence against the girl child.[2]

III. Work by human rights treaty bodies and special procedures of the Human Rights Council

A. Treaty bodies

6. The Committee on the Rights of the Child has consistently emphasized the need for full implementation of the rights of the girl child. An overview of the Committee's concluding observations from September 2005 to June 2007 indicates that, despite the efforts of many States parties to address the issue of equality between the sexes, the persistence of stereotypical attitudes concerning the roles and responsibilities of women and men still constitute an impediment to the full enjoyment of all human rights and fundamental freedoms by girls. Girls living in poverty, girls with disabilities, girls belonging to minorities or indigenous peoples as well as asylum-seeking and refugee girls are often in the weakest position of all and experience multiple discrimination. In some societies the education of girls is not seen as being as valuable an investment as the education of boys. The Committee has recommended, inter alia, that local, religious and other leaders be invited to take a more active role in supporting the efforts to prevent and eliminate discrimination against the girl child and to provide guidance to communities in this regard.

7. Girls are still considered as undesirable in many regions of the world. Selective abortions and infanticide as well as the abandonment of girls continue as negative consequences of existing family planning policies and societal attitudes. All children are not systematically registered at birth, this practice disproportionately affecting girls. The Committee is alarmed at reported cases of crimes committed against girls in the name of "honour" and the continued failure of some States parties to punish the authors of these crimes. In this context, it expressed its concern at the insufficient number of accessible shelters and counselling services for girls who are at risk of becoming victims of "honour" crimes.

8. In its consideration of States parties' reports on the implementation of the Convention, the Committee has systematically stressed the importance of children's right to express their views in all matters affecting them and for those views to be given due weight in accordance with the age and maturity of the child. However, it has noted that traditional attitudes towards children in society, in particular towards

[2] See *Official Records of the Economic and Social Council, 2007, Supplement No. 7* (E/2007/27), chap. I, sect. A.

girls, limit the right to express their views and to have them taken into account, especially within the family, schools and the media. On 15 September 2006, during its forty-third session, the Committee devoted its day of general discussion to the theme "To speak, participate and decide — the child's right to be heard" and urged States parties to pay special attention to the rights of the girl child as sexist stereotypes and patriarchal values undermine and place severe limitations on the enjoyment of the right set forth in article 12 of the Convention on the Rights of the Child (see CRC/C/4313, sect. VII).

9. The Committee has drawn attention to the use of the biological criterion of puberty to set different ages of maturity for girls and boys and that in some States parties a judge has the discretionary power to decide that a child has reached maturity at an earlier age.

10. Child marriages and early pregnancies have a seriously detrimental effect on the health, education and development of the girl child. In many countries the minimum age for marriage is not clearly established, or it is too low and discriminatory. Notwithstanding legislative amendments and media campaigns aimed at raising awareness of the health risks and adverse social effects of early marriage, in some communities young girls may be married with the consent of a guardian and a judge. The Committee has noted with concern that in some countries there are various minimum ages for marriage under different laws and that they are not the same for girls and boys. The Committee has also paid attention to the practice of "temporary marriages" involving girls, sometimes as young as 12 years, who are given in marriage in exchange for money. The Committee is concerned that these girls, often abandoned by their husbands after a short time, are deprived of the rights acquired with legal marriage, are stigmatized, and have little access to measures of physical and psychological recovery and social reintegration. The practice of falsification of documents certifying the age of children in order to "legalize" early marriages has also been among the Committee's concerns. The Committee has recommended, inter alia, that States parties should address the poverty-related parental pressure on girls to marry at an early age.

11. The Committee emphasizes that FGM is incompatible with the principles and provisions of the Convention. It remains concerned that FGM is still practiced and is not specifically prohibited by law in several States parties. The Committee has recommended that States parties strengthen and accelerate their ongoing efforts to prevent FGM and conduct awareness-raising campaigns to combat and eradicate this and other traditional practices harmful to the health, survival and development of girls. It has recommended that States parties introduce sensitization programmes for practitioners and the general public to encourage change in traditional attitudes and prohibit harmful practices, engaging with the extended family and traditional and religious leaders. Furthermore, follow-up procedures for the practitioners of FGM who have renounced the practice should be established. Other harmful traditional practices such as *trokosi*, a form of sexual slavery, have also been addressed by the Committee.

12. In particular, the Committee has expressed concern about violence against girls and has noted with deep concern the occurrence of violence in all settings, even in protective environments such as families and schools. In some countries reports of violence against girls, including sexual abuse, in the family indicate an

escalating trend. The lack of alternative homes for girls may force them to remain in the same homes where the abusers live, or to go back to them if they have fled.

13. During the past two years the Committee has expressed concern at reports indicating that rapes of girls by law enforcement agents have not been investigated, as well as concern about the gang-rape of girls, the rape of girls belonging to indigenous and tribal groups and the rape of girls committed by members of the military. In general, there are few statistics documenting these cases and a limited number of investigations and punishment of perpetrators. Therefore, the Committee has urged States parties to reinforce mechanisms for monitoring the number of cases and the extent of violence, sexual abuse, neglect, maltreatment or exploitation of girls, including within the family, schools and other institutions.

14. In this connection, it is noteworthy to recall that the report of the independent expert for the United Nations study on violence against children, Paulo Sérgio Pinheiro (A/61/299), was submitted to the General Assembly at its sixty-first session. The report addressed the gender dimension of violence against children by recommending that "States should ensure that anti-violence policies and programmes are designed and implemented from a gender perspective, taking into account the different risks facing girls and boys in respect of violence; States should promote and protect the human rights of women and girls and address all forms of gender discrimination as part of a comprehensive violence prevention strategy" (para. 106). A follow-up report will be submitted to the Assembly at its present session. Also at the sixty-first session the Secretary-General submitted to the Assembly the in-depth study on all forms of violence against women (A/61/122/Add.7 and Add.1/Corr.1).

15. The Committee has addressed the vulnerable status of girls with disabilities in its general comment No. 9 (2006) on the rights of children with disabilities (CRC/C/GC/9) in which it requested States parties to pay particular attention to these girls by taking the necessary measures, and when needed extra measures, in order to ensure that they are well protected, have access to all services and are fully included in society (para. 10). It also expressed its deep concern about the prevailing practice of forced sterilization of girls with disabilities. This practice, which still exists, seriously violates the right of the child to her physical integrity and results in adverse lifelong physical and mental health effects. The Committee therefore urged States parties to adopt legislation prohibiting the forced sterilization of children on grounds of disability (para. 60).

16. The Committee has been concerned about girls infected with HIV and/or affected by HIV/AIDS, as well as about the situation of girls resulting from unwanted and/or early pregnancies and complications due to unsafe, often clandestine, abortions, as these have a negative impact on their health and development. In addition to causing risks to physical and mental health, the incidence of adolescent pregnancy also limits the personal development of the individual, has a detrimental effect on young women's ability to sustain themselves financially and creates a "poverty trap" with overall negative effects for society. The criminalization of the termination of pregnancies, particularly in cases of rape and incest, and the lack of adequate sex education and accessible reproductive health services contribute to higher incidence of maternal mortality among adolescent girls. The Committee has also drawn attention to the difficulties pregnant girls face

in order to continue their education as they are often excluded from educational institutions.

17. In its general comment No. 7 (2005) on implementing child rights in early childhood (CRC/C/GC/7/Rev.1) the Committee recalled that the child's right to education includes all children and that girls should be enabled to participate in education without discrimination of any kind, as prescribed in article 2 of the Convention. Persisting gender disparities in the enrolment of children in early childhood care and primary education, including gender biases and stereotypes in school textbooks, curricula and school management, have been highlighted by the Committee, which is also concerned about persistent disparities in access to and availability of education, which negatively affect girls. In many countries girls' enrolment in secondary education is lower than boys'. The higher non-attendance and earlier drop out rates of girls because of traditional views and the exclusion of pregnant girls from school have also attracted the Committee's concern. The Committee has also noted that the lack of appropriate sanitary facilities, including separate toilets in educational institutions, impedes the attendance of girls, particularly in secondary schools. The Committee has recommended, among other things, that States parties take effective measures to address gender disparities in education, for example by expanding literacy programmes for women and girls and developing and adopting a gender-specific education strategy, including scholarship programmes for girls living in rural areas.

18. A large number of girls are still being trafficked, internally and/or across borders, for the purpose of sexual exploitation, prostitution and child labour, particularly domestic labour. The Committee has pointed to underlying conditions which exacerbate girls' vulnerability to all forms of exploitation. These include poverty, lack of adequate resources, persisting cultural attitudes discriminating against women and girls and social stigma. In this context, the Committee has noted with particular concern that the majority of cases identified remain unpunished. Limited information on the extent of the problem and the number of children affected is among the Committee's concerns. The Committee has addressed the issues of increased risk of trafficking and exploitation faced by girls of vulnerable groups, such as girls belonging to minorities or indigenous peoples. In some countries girls from minority ethnic groups are more likely to be victims of trafficking as fewer educational or employment opportunities exist for them. The Committee has recommended that States parties enforce anti-trafficking legislation and strengthen community-based mechanisms to prevent and monitor child trafficking and exploitation, including through local committees, and, at the same time, undertake preventive actions to improve living conditions and economic opportunities, in zones of departure as well as high-risk zones, paying particular attention to economically disadvantaged families.

19. With regard to girls in conflict with the law, the Committee has repeatedly noted that girls, both in pre-trial detention and after sentencing, are placed with adult women in adult facilities. Sometimes girls are either sent back home without adequate provision for guidance and counselling, or placed in alternative homes. It has also noted with concern that children in conflict with the law, particularly girls, are not provided with adequate recovery and social reintegration services. In its general comment No. 10 (2007) on children's rights in juvenile justice (CRC/C/GC/10) the Committee stated: "It is quite common that criminal codes contain provisions criminalizing behavioural problems of children, such as

vagrancy, truancy, runaways and other acts, which often are the result of psychological or socio-economic problems. It is particularly a matter of concern that girls and street children are often victims of this criminalization" (para. 28). The Committee also emphasized that "[s]ince girls in the juvenile justice system may be easily overlooked because they represent only a small group, special attention must be paid to the particular needs of the girl child, e.g. in relation to prior abuse and special health needs" (para. 40).

20. Girls seeking asylum, refugee girls and internally displaced girls are in need of special protection from physical or mental violence, including sexual abuse, maltreatment, exploitation and neglect. The Committee has recommended that the security of refugee and displaced person camps should be improved in order to protect girls against sexual exploitation. It has noted that many former child soldiers and children who took part indirectly in the armed conflict, including girls, do not receive adequate assistance for physical and psychological recovery. All cases of abuse should be fully investigated and prosecuted and perpetrators of these crimes should be sentenced.

21. The Committee on the Elimination of Discrimination against Women has systematically considered the enjoyment of all human rights and fundamental freedoms by girls in its review of the reports of the States parties to the Convention on the Elimination of All Forms of Discrimination against Women. The Committee has consistently drawn attention to violations of girls' civil rights and freedoms as well as of their economic, social and cultural rights.

22. The Committee on Economic, Social and Cultural Rights has drawn attention, among other things, to the difficulties faced by homeless girls, who are more vulnerable to health risks and social and economic deprivation. The Human Rights Committee has expressed concern at violence against girls, including sexual abuse. It has noted with particular concern information according to which young girls are at risk of sexual abuse when commuting to school and at school. The Committee has noted with concern the lack of policy and legislative responses to trafficking in human beings, including girls, and recommended, inter alia, that girls trafficked for purposes of prostitution should be provided with support and assistance. Similarly, the Committee on the Elimination of Racial Discrimination has noted with concern the trafficking of girls for the purpose of sexual exploitation. The low primary school attendance among indigenous girls, reports of rape of girls, continuing practices of child marriage and dowry, and *devadasi* whereby mainly Dalit girls are dedicated to temple deities and forced into ritualized prostitution, have also attracted the Committee's concern. With regard to mortality rates and life expectancy rates, it has noted that girls belonging to minorities are often the most disadvantaged.

23. The reported prevalence of violence against girls, including sexual and domestic violence, and the reluctance on the part of the authorities inter alia, to adopt legislative and other measures to counter this phenomenon have been among the concerns of the Committee against Torture. The Committee has also addressed the issue of gender-based violence and noted with concern the lack of effective measures to prevent and prosecute perpetrators of violence against women and girls by military personnel, including foreign military personnel, stationed in military bases. The Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families has drawn attention to the situation of migrant girls and their alleged exploitation.

B. Special procedures of the Human Rights Council

1. Special Rapporteur on violence against women, its causes and consequences

24. From 2005 to early 2007, the Special Rapporteur on violence against women, its causes and consequences, Yakin Ertürk, addressed issues concerning the girl child throughout her missions. For instance, in her report to the Human Rights Council entitled "Intersection between culture and violence against women" (A/HRC/4/34),[3] the Special Rapporteur highlighted the fact that harmful traditional practices greatly affected the health of women and children. She elaborated upon female genital mutilation in particular. The Special Rapporteur also expressed concerns over the practice of "breast-ironing" which is performed on girls prior to their reaching puberty and aims at controlling women's sexuality.

25. In the report on her mission to the Netherlands (A/HRC/4/34/Add.4), the Special Rapporteur analysed violence in the context of prostitution. She underlined that minor girls are victims of trafficking into sexual exploitation. More specifically, she raised concerns over the fact that pimps seemed to deliberately recruit minor girls at asylum-seeker centres and that a number of minors disappeared from these centres with no investigation made as to their whereabouts. The Special Rapporteur also expressed concerns over the issue of criminal pimps called "lover boys", who deliberately seek out vulnerable girls and pose as their boyfriends before leading them into prostitution through manipulation or violence.

26. In the report on her mission to Sweden (A/HRC/4/34/Add.3), the Special Rapporteur focused on honour-related violence, such as the killing of a girl in order to "cleanse" the family honour, mainly committed by individuals from immigrant communities. She highlighted the need to adapt the existing protection mechanism to the collective nature of such violence.

27. In the report on her mission to Turkey (A/HRC/4/34/Add.2), the Special Rapporteur expressed concern over the large number of women committing suicide in the south-eastern and eastern regions of Turkey. She noted that many of the victims were young women aged 15 to 29. Though the reasons for these suicides vary, the Special Rapporteur noted that there were strong indications that in some cases, suicides could be honour crimes, the victims having been forced by their family to kill themselves. The Special Rapporteur also stressed that there might be links between the suicides and the prevailing climate of patriarchal oppression and violence.

28. In the report on her mission to the Islamic Republic of Iran (E/CN.9/2006/61/Add.3), the Special Rapporteur noted the increase in trafficking of girls and women. She said that most of the trafficking cases were taking place in the eastern provinces, at towns on the borders with Pakistan and Afghanistan.

29. In the report on her mission to Afghanistan (E/CN.4/2006/61/Add.5), the Special Rapporteur reported on the widespread practices of child marriage and forced marriage, which are at the root of most cases of domestic violence. Moreover, the Special Rapporteur pointed to the common practice of bride money, whereby a girl child becomes an asset exchangeable for money or goods. She also

[3] All the reports cited in this section are available on the website of the Office of the High Commissioner for Human Rights (www.ohchr.org).

referred to another form of forced marriage, the Pashtu practice of *bad*, where a girl is ceded by one family to another to settle a dispute upon the orders of a local council. In this regard, she also expressed concerns over the general preference, ingrained in the predominant value system, for male infants over female infants, boys over girls and men over women, which results in women being disproportionately and negatively affected by malnutrition and inadequate medical care.

30. During her mission to Algeria in January 2007, the Special Rapporteur acknowledged progress made with respect to girls' education. At the same time, she expressed particular concern over cases in which girls were ejected from their homes by their families into the streets. A recent mission to Ghana (7-15 July 2007) focused on the ritual servitude of "*trokosi* girls" and the plight of very young girls, referred to as *Kayayee*, who are forced to migrate from the north to the big cities to escape extreme poverty and in some cases family oppression. In the Democratic Republic of the Congo (16-28 July 2007), the Special Rapporteur confirmed that sexual violence was rampant throughout the country and that, increasingly, minor girls were among the victims of rape. She also took note of the large number of cases of fistula and other severe genital injuries resulting from the brutality of rape committed on minors.[4]

31. Finally, in her reports on communications to and from Governments in 2005 (E/CN.4/2005/72/Add.1) and 2006 (E/CN.4/2006/61/Add.1), the Special Rapporteur addressed a number of issues related to violence against the girl child, including rape, girl trafficking, abuse of pregnant women, prostitution of young girls, crimes committed in the name of honour, and forced and early marriage.

2. Special Rapporteur on the sale of children, child prostitution and child pornography

32. In the reporting period from 2005 to 2007, the Special Rapporteur, Juan Miguel Petit, devoted part of his reporting to issues specifically concerning the girl child, while addressing the general theme of children, both boys and girls.

33. In his report to the Human Rights Council at its fourth session (A/HRC/4/31), the Special Rapporteur noted disturbing allegations relating to the illegal trafficking of children for their organs.

34. In the report on his mission to Ukraine (A/HRC/4/31/Add.2), the Special Rapporteur addressed phenomena such as child trafficking, child prostitution and vulnerable children at risk. The Special Rapporteur noted that trafficking in children through and from Ukraine is an alarming problem and referred to data provided by the International Organization for Migration which show that 10 per cent of all victims of trafficking who are known to return to Ukraine, either voluntarily or not, are aged between 13 and 18. Most of them are girls trafficked into sexual exploitation. The Special Rapporteur also expressed concern over child prostitution[5] and pornography, which have increased in Ukraine and referred to a survey by the

[4] The reports on these country visits by the Special Rapporteur are forthcoming.

[5] "The prostitution of children is one form of abuse of children in sexual activities for remuneration or otherwise. Generally, it means that a party benefits from a commercial transaction in which a child is made available for sexual services involving either a pimp or an abuser who negotiates directly with the minor" (A/HRC/4/31/Add.2, para. 54).

Ukrainian Institute of Social Studies, which stated that from 2001 to 2002, among females who engaged in commercial sex 11 per cent were minors aged 12 to 15 years, while 20 per cent were minors aged 16 to 17 years. The research also indicated that 10-year-old girls have been forced into prostitution.

35. In his main report to the Commission on Human Rights at its sixty-second session (E/CN.4/2006/67), the Special Rapporteur addressed the role of the demand factor in the commercial sexual exploitation of children and underlined the importance of studying and understanding its dynamics in order to develop proper and efficient legal and political policies to deter it. He stated that the demand for children for the purpose of sexual exploitation and men's demand for prostitutes in general are inextricably linked, and referred to reports by both States and non-governmental organizations highlighting that discriminatory attitudes on the basis of race, ethnicity, colour, social status or gender contribute to demand. Discriminatory attitudes make victims invisible, especially girl child victims of commercial sexual exploitation. The Special Rapporteur referred to a Latin American non-governmental organization which asserted that the *machista* culture in that region favoured a belief that underage girls involved in prostitution "know what they get themselves into". The Special Rapporteur noted that despite the existence of laws criminalizing the commercial sexual exploitation of children, it was widely tolerated and the perpetrators of this crime enjoyed virtually total immunity. Some of the reasons for such tolerance include the perception that girl victims of child prostitution are from marginalized families who are themselves responsible for their situation of vulnerability; blame tended to be placed on both the families and the girls themselves.

36. The Special Rapporteur also noted that the sexual exploiters are overwhelmingly men, while girls are the vast majority of the sexually exploited. As a consequence, any intervention aimed at combating this practice should address fundamental and systemic values and beliefs that accommodate and sustain sexual violence and sexual exploitation of children. Some of these are patriarchy, beliefs surrounding sexual dominance and machismo, male power and control, the viewing of children (especially girl children) as objects to be possessed, and perverted cultural beliefs. He stated that it is only through the empowerment of women that the demand for children for the purpose of sexual exploitation can be reduced.

37. In his reports on communications to and from Governments in 2005 and 2006 (E/CN.4/2006/67/Add.1 and A/HRC/4/31/Add.1), the Special Rapporteur raised a number of issues related to the girl child, including trafficking for the purposes of commercial sexual exploitation, prostitution and pornography; physical and sexual abuse; disappearance and sale of children, including young girls; forced and early marriages; and trafficking for the purpose of international adoption or for sexual or labour exploitation.

3. Special Rapporteur on the human rights aspects of trafficking in persons, especially women and children

38. In the reporting period from 2005 to 2007, the Special Rapporteur, Sigma Huda, dealt with girl child trafficking in many contexts, without neglecting the situation of women and children in general.

39. By the reports on her mission to Bahrain, Oman and Qatar (A/HRC/4/23/Add.2 and Corr.1), the Special Rapporteur noted that the main groups

vulnerable to abuse and exploitation are mainly women and girls recruited as domestic workers and entertainers. Recent legislation in Oman and Qatar concerning child camel jockeys, for instance, has been effective in addressing the exploitation of children for this purpose. The Special Rapporteur stated that close monitoring to completely end trafficking of children for this purpose is urgent and imperative.

40. In her main report to the Human Rights Council at its fourth session (A/HRC/4/23 and Corr.1), in which she focused on the question of forced marriages in the context of trafficking in persons, the Special Rapporteur defined what constitutes a forced marriage and listed different forms of forced marriage. The responses to a questionnaire on forced marriage sent to States confirmed that the main victims of forced marriages are women and girls. The practice of child marriage of girls is considered by many as the socially legitimized institutionalization of sexual abuse and marital rape, sometimes of very young girls. This practice has serious physical, psychological and health consequences on the girls involved. These marriages result in, inter alia, a high incidence of sexually transmitted diseases, including HIV/AIDS, disabilities such as fistula, and death as a result of premature childbirth.

41. In her main report to the Commission on Human Rights at its sixty-second session (E/CN.4/2006/62), the Special Rapporteur stated that women and girls oppressed on the basis of race, nationality, caste and/or colour are especially vulnerable to sexual exploitation. She observed that, according to recent data, while the majority of victims of trafficking are currently women and girls, trafficked essentially for commercial sexual exploitation, significant numbers of human beings are trafficked for labour exploitation while children are also trafficked for international adoption. The Special Rapporteur highlighted the marketing of women and children via the Internet and under the cover of marriage-brokering services or pen pal clubs. In addition to violations suffered at the hands of traffickers, victims often suffer from re-victimization. Women and young girls who are trafficked into the sex industry are penalized by being charged with prostitution offences instead of receiving assistance as victims.

42. In the report on her mission to Lebanon (E/CN.4/2006/62/Add.3), the Special Rapporteur highlighted the magnitude of child prostitution. She referred to a survey by a non-governmental organization, Dar el Amal, which had analysed 450 cases of women involved in prostitution, including 157 girls, most of whom had experienced extreme poverty, early marriage and sexual abuse. The Special Rapporteur was particularly concerned about reports that Iraqi and Syrian girls as young as 12 years old were increasingly being trafficked to Lebanon for prostitution. Another area of concern regarding the girl child is early and forced marriage. Marriage ceremonies are conducted by religious authorities, some of whom do not enforce compliance with the minimum age requirements, including these of their own religious law, particularly in northern Lebanon. In some cases, those early marriages are related to transnational trafficking. In an ill-conceived attempt to preserve the family links to their home country, some families in the Lebanese diaspora deceive their daughters into travelling to their Lebanese home village, where they are forced into a marriage with a local male. Australian authorities have documented 12 such cases involving Australian girls of Lebanese descent. Seven victims were under 16 years old.

43. The Special Rapporteur's mission to Bosnia and Herzegovina (see E/CN.4/2006/62/Add.2) highlighted the urgency of endorsing UNICEF recommendations on the need to increase general prevention measures to identify children vulnerable to becoming victims of trafficking and to make use of the Guidelines for the Protection of the Rights of Children Victims of Trafficking (including young girls) concerning detection, registration, referral, shelter, protection and follow-up for children from Bosnia and Herzegovina in particular.

44. In reports on communications to and from Governments in 2005 and 2006 (E/CN.4/2006/62/Add.1 and A/HRC/4/23/Add.1), the Special Rapporteur raised a number of issues related to violence against the girl child, with particular focus on trafficking for commercial sexual exploitation, prostitution, trafficking for international adoption or for sexual or labour exploitation, forced and early marriages, and honour-based crimes.

IV. Efforts to prevent and treat fistula at the United Nations

45. As reported by the United Nations Population Fund (UNFPA), obstetric fistula is a devastating childbirth injury that leaves women incontinent, ashamed and often isolated from their communities. As with maternal death, fistula is entirely preventable through skilled delivery care and timely access to emergency obstetric care. The voices of the women who have suffered from fistula are drawing the attention of policymakers, media and the public to the risks women encounter during pregnancy and childbirth in developing countries.

46. For decades, the international community has campaigned to scale up maternal health services and prevent maternal death and disability. The commitments to reduce maternal mortality made at the International Safe Motherhood conference in Nairobi in 1987 were reaffirmed at the International Conference on Population and Development in 1994 and again in 2000 at the Millennium Summit of the United Nations. Yet despite some advances, the number of annual maternal deaths has remained unchanged for two decades. Progress has stalled in many countries; in some, the situation has deteriorated. Often, competing priorities and insufficient national resources combine to push women's health off the political agenda. Health systems are also overburdened, constrained by a lack of investment and resources, both human and material.

47. The continued incidence of obstetric fistula exposes the challenges and gaps that persist in reducing maternal mortality and morbidity. The condition affects more than 2 million girls and women in developing countries, with as many as 100,000 new cases each year. These women have suffered a near-death experience and often the loss of their baby from entirely preventable complications. Their stories reveal structural and health system failures as well as the social, cultural and economic factors underlying maternal death and disability. Women who have experienced fistula can advocate at community, national and global levels for improved health services. They can also call attention to women's basic rights to health and a life of dignity.

48. In 2003, UNFPA and its partners launched the global Campaign to End Fistula, which includes interventions to prevent fistula from occurring, treating women who are affected and helping women who have undergone treatment return to full and productive lives. The Campaign's ultimate goal is to make fistula as rare in

developing countries as it is in the industrialized world, by 2015, in line with targets adopted at the International Conference on Population and Development and the Millennium Development Goals. The Campaign strives to build political commitment and broad support for achieving the international goals related to maternal and newborn health by highlighting the human consequences of a failure to act.

49. Beginning with just 12 countries in 2003, the Campaign is now active in more than 40 countries in sub-Saharan Africa, Asia and the Arab region. Fistula elimination efforts are nationally designed and driven, with each country undergoing a rapid needs assessment followed by the development and implementation of a national fistula elimination strategy. To date, 32 countries have completed needs assessments and more than 20 countries are implementing their national programmes. There has been a significant shift in the last two years resulting in many countries moving into implementation phase. With this shift, UNFPA has been increasing its financial and technical support to countries as their needs expand in the implementation period. The results to date include the following:

(a) Thirty-two countries have successfully mapped out the condition of obstetric fistula;

(b) Eleven countries have integrated fistula into relevant national health policies/plans;

(c) Seven countries have adopted national fistula elimination strategies;

(d) More than 20 countries are currently implementing fully fledged fistula elimination programmes;

(e) More than 4,500 women have received fistula treatment with support from UNFPA and its partners.

50. The year 2006 was notable, as the majority of Campaign countries entered full-scale implementation of their fistula elimination programmes. With additional resources, the Campaign countries have delivered exceptional results:

(a) More than 2,000 women received fistula treatment with support from UNFPA and its partners;

(b) Tens of thousands of women and men have been sensitized about fistula and the prevention of maternal death;

(c) Forty-six health facilities were supported and 318 health personnel of varying cadres received training in fistula management;

(d) Ninety-seven health and social work personnel were trained to assist women in social reintegration.

51. In order to build on these gains, substantial investments by the international community are critical. While prevention is the ultimate solution to ending fistula, there is a strong commitment to treating women who are already affected. In most cases, the injury can be mended by simple surgery, with success rates as high as 90 per cent. UNFPA and its partners support all areas of treatment from training health personnel in fistula management to equipping and upgrading fistula centres. The ability to provide care for more women has increased significantly in many Campaign countries. The comprehensive approach to fistula programming is

intended not only to heal women and their communities, but also to prevent fistula from occurring. Effective prevention must include community mobilization and sensitization to address the social and cultural determinants that perpetuate maternal death and disability. Strong partnerships within the communities are critical for raising awareness and promoting behaviour change to improve maternal health.

52. Some of the developments at the national level are:

(a) After viewing an advocacy film developed by CNN in collaboration with UNFPA, President Abdoulaye Wade of Senegal declared that fistula treatment services would be free and that efforts would be made to ban early marriage;

(b) The Association of Midwives of Niger travelled through 60 villages addressing the causes and consequences of fistula, family planning, antenatal care, skilled birth attendance and emergency obstetric care. This effort reached more than 27,000 women and men and led to the identification and immediate surgical care of 10 women living with fistula;

(c) In Eritrea, female and male health educators were trained as part of a community mobilization/education project for the promotion of safe motherhood and fistula prevention. There has been a substantial increase in use of antenatal care and delivery services at the local health facility. Specifically, the mid-intervention assessment noted that the number of antenatal care visits had increased by 70 per cent, and deliveries by health workers had increased by 67 per cent;

(d) Bangladesh continued to make advances in fistula treatment, training 27 doctors and 30 nurses from different medical college hospitals throughout the country in order to decentralize services and treating 161 patients with complicated fistula at Dhaka Medical College Hospital;

(e) In Pakistan, 50 health-care providers located throughout the country, including 8 doctors, 24 midwives and nurses and 28 paramedical staff, received training in fistula management. Seven treatment camps were organized and 206 patients with fistula were treated.

53. In addition to the physical toll that fistula inflicts, its severe social consequences render affected women even more vulnerable within society. Many patients lose their husbands and their place in the community. Social reintegration that reinforces women's capacities and ensures discussions between counsellors and community members helps women successfully return to society and carry out productive lives. Effective reintegration can prevent women from having a recurrence of fistula and serve as a powerful advocacy tool to prevent other women from developing the condition.

54. By the end of 2007, nearly all Campaign countries will have completed needs assessments and the majority will have entered into programme implementation. Stronger partnerships with civil society will have been forged to provide comprehensive care for women living with fistula and to advocate for prevention of maternal mortality and morbidity. New research and data-collection efforts to fill research gaps will be launched and guidance will be provided on addressing social, economic and cultural aspects of fistula and providing outreach treatment services.

55. With this year marking the twentieth anniversary of the Safe Motherhood Initiative, there is no better time than now to strengthen health systems and health workforces to protect the health of mothers, children and families. It provides a

strong call for intensified commitment to end maternal mortality and morbidity. By focusing on fistula, UNFPA and partners have turned the spotlight onto poor maternal health. The international community must now seize the momentum that has been generated to provide countries with the increased resources necessary to avert maternal death and disability. To do so would improve the lives of millions of women and girls.

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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Protecting human rights and fundamental freedoms while countering terrorism

Report of the Secretary-General**

Summary

The present report is submitted pursuant to General Assembly resolution 61/171, in which the Assembly reaffirmed that any measure taken to combat terrorism must comply with States' obligations under international law, in particular human rights, refugee and humanitarian law. The report provides an overview of the recent developments within the United Nations system regarding the protection of human rights and fundamental freedoms while countering terrorism, highlighting the adoption of the United Nations Global Counter-Terrorism Strategy, including its plan of action, as an important document which considers respect for human rights and the rule of law to be the fundamental basis of the fight against terrorism. It also includes the activities of the United Nations High Commissioner for Human Rights, the human rights treaty bodies, the Human Rights Council and its special procedures mandates and reports on concerns regarding a number of issues, including judicial scrutiny of counter-terrorism measures, the transfer of individuals suspected of terrorist activity and secret detention.

* A/62/150

** The present report was submitted after the deadline in order to reflect the most up-to-date information possible.

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I. Introduction

1. The present report responds to the request contained in General Assembly resolution 61/171 that the Secretary-General report on the implementation of the resolution to the Assembly at its sixty-second session. The two previous reports of the Secretary-General are contained in documents A/61/353 and A/60/374. The present report also responds to the request of the Human Rights Council in its decision 2/102[1] that the Secretary-General and the United Nations High Commissioner for Human Rights continue with the fulfilment of their activities in accordance with all previous decisions adopted by the Commission on human rights.

II. Recent developments in the United Nations in the area of human rights and counter-terrorism

2. This section includes an overview of the United Nations Global Counter-Terrorism Strategy, which is comprised of General Assembly resolution 60/288 and its annex, the plan of action and a summary of the relevant activities of the Counter-Terrorism Committee of the Security Council, the Human Rights Council and its special procedures and human rights treaty bodies in the field of human rights while countering terrorism.

United Nations Global Counter-Terrorism Strategy

3. The General Assembly adopted the United Nations Global Counter-Terrorism Strategy following the adoption of the 2005 World Summit Outcome (resolution 60/1) and the submission of the Secretary-General's report entitled "Uniting against terrorism: recommendations for a global counter-terrorism strategy" (A/60/825 and Corr.1). Member States agreed on a coordinated and comprehensive response to terrorism at the national, regional and global levels based on respect for human rights and the rule of law, reaffirming that the promotion and protection of human rights for all and the rule of law is essential to all components of the Strategy and recognizing that effective counter-terrorism measures and the protection of human rights are not conflicting goals but complementary and mutually reinforcing (see sect. IV below).

4. In the Global Counter-Terrorism Strategy, Member States resolved to consistently, unequivocally and strongly condemn terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purposes, as it constitutes one of the most serious threats to international peace and security. At the same time, Member States resolved to take urgent action to prevent and combat terrorism, in particular by considering becoming parties to the existing international conventions and protocols against terrorism, implementing them, and making every effort to reach an agreement on and conclude a comprehensive convention on international terrorism; by implementing all General Assembly resolutions on measures to eliminate international terrorism and relevant resolutions on the protection of human rights and fundamental freedoms while countering terrorism, and by implementing all Security Council resolutions related to international terrorism and to cooperate fully with the counter-terrorism subsidiary bodies of the

[1] See A/HRC/2/19, chap. I, sect. B.

Security Council in the fulfilment of their tasks. They also recognized that international cooperation and any measure taken to prevent and combat terrorism must comply with States' obligations under international law, including the Charter of the United Nations, and relevant international conventions and protocols, in particular international human rights, refugee and humanitarian law.

5. The plan of action provides a number of concrete measures which must be taken by Member States individually and collectively:

(1) To address the conditions conducive to the spread of terrorism;

(2) To prevent and combat terrorism, as well as to build States' capacity to do so and strengthen the role of the United Nations in this regard;

(3) To ensure respect for human rights for all and for the rule of law as the fundamental basis of the fight against terrorism.

6. Member States also welcomed the intention of the Secretary-General to institutionalize the Counter-Terrorism Implementation Task Force within the Secretariat in order to ensure overall coordination and coherence in the counter-terrorism efforts of the United Nations system. The Task Force established by the Secretary-General currently has 24 members, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism. A number of working groups have been established which deal, inter alia, with human rights aspects of the strategy.

7. OHCHR contributes to the Task Force by leading the working group on protecting human rights while countering terrorism. The objective of the working group is to support efforts by Member States to ensure the promotion and protection of human rights in the context of counter-terrorism, including through the development of and implementation of human rights-compliant legislation and policies. It has been agreed by the Task Force that the working group would assess the support and assistance currently given to Member States to ensure the promotion and protection of human rights in the context of counter-terrorism; identify gaps and weaknesses and develop proposals for strengthening support to Member States; facilitate an exchange of information on priority human rights concerns, as well as "good practice" examples on the protection of human rights in the context of counter-terrorism, drawing on experiences at the national and regional levels; and provide guidance, including by developing tools, to assist Member States in strengthening the protection of human rights in the context of counter-terrorism. Other members of the working group include the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the United Nations Office on Drugs and Crime, the Counter-Terrorism Executive Directorate, the Office of Legal Affairs of the Secretariat, the United Nations Interregional Crime and Justice Research Institute, the World Bank and the International Maritime Organization (IMO). OHCHR also participates in a number of other working groups, including those on facilitating the integrated implementation of the United Nations Global Counter-Terrorism Strategy and on supporting and highlighting victims of terrorism.

Counter-Terrorism Committee

8. In its comprehensive report of 16 December 2005 (S/2005/800, annex), which was endorsed by the Security Council (see S/PRST/2005/64), the United Nations Counter-Terrorism Committee reiterated that States must ensure that any measure taken to combat terrorism should comply with all their obligations under international law and that they should adopt such measures in accordance with international law, in particular human rights law, refugee law and humanitarian law. It also stressed that the Counter-Terrorism Committee Executive Directorate should take this into account in the course of its activities. The Counter-Terrorism Committee and the Executive Directorate have routinely referred to relevant considerations in this regard since that time, in their analysis of States' implementation of Security Council resolutions 1373 (2001) and 1624 (2005), as well as in their correspondence with States and in the course of country visits. The Committee has also been briefed on two occasions by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, most recently on 26 October 2006. There continues to be regular liaison between the Committee, the Executive Directorate and OHCHR as well as other human rights organizations, including regional organizations, in matters relating to counter-terrorism.

Human Rights Council

9. At its second session, the Human Rights Council adopted decision 2/112[2] on persons deprived of liberty in the context of counter-terrorism measures in which the Council urged "all States to take all necessary steps to ensure that persons deprived of liberty, regardless of the place of arrest or of detention, benefit from the guarantees to which they are entitled to under international law, including, inter alia, protection against torture, cruel, inhuman or degrading treatment or punishment, protection against refoulement, the review of their detention and, if subjected to trial, fundamental judicial guarantees".

Special procedures of the Human Rights Council

10. During the reporting period, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism has continued to address concerns related to the fight against terrorism. In addition, a number of other special procedures mandate holders have addressed a broad range of issues related to the impact of terrorism on human rights. They have done so by sending urgent appeal letters, issuing press releases, preparing thematic studies and conducting country visits, within the context of their mandates and with due consideration to the mandate of the Special Rapporteur, which includes working in close coordination with other special procedures mandate holders. Following are examples of these mandate holders' recent activities and main areas of concern with respect to human rights and counter-terrorism, as reported by them to the General Assembly and the Human Rights Council and in a number of press releases.

11. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism presented his annual reports to the General Assembly (A/61/267) in November 2006 and to the Human Rights Council

[2] Ibid.

(A/HRC/4/26 and Add.1-3) in March 2007. In these reports, the Special Rapporteur focused on a number of thematic issues of special interest to his mandate. First, he addressed the issue of the rights to freedom of assembly and association in the context of counter-terrorism measures. The Special Rapporteur examined possible limitations to and derogations from these rights, including the necessary conditions for the proscription of an alleged terrorist group as well as the listing of groups on so-called "terrorist lists" by the Security Council, regional organizations and States. Second, the Special Rapporteur focused on the compliance of "terrorist profiling" practices with international human rights standards, set out permissible forms of terrorist profiling as well as alternatives to the reliance on terrorist profiles. He also examined the issue of suicide attacks as a specific form of terrorism, by providing a survey of the existing research and analysis on this phenomenon. The Special Rapporteur further addressed the issue of "shoot-to-kill" and existing international standards on the use of firearms by law enforcement officials.

12. During the reporting period, the Special Rapporteur also undertook two country visits. From 16 to 26 April 2007, the Special Rapporteur visited South Africa. In the press release issued following his visit, the Special Rapporteur explained that the purpose of the visit was to examine South Africa's laws, policies and practices on counter-terrorism and to assess how such measures affected the protection and promotion of human rights and to examine the role played by South Africa in the issue of counter-terrorism in the subregional, regional and international context. The Special Rapporteur focused on the definition of terrorism, the protection of freedom of expression, the nature and scope of parliamentary action against persons listed by the Security Council and the rights of foreigners in the context of their arrest and detention for alleged security concerns or for having overstepped immigration rules.

13. From 16 to 25 May 2007, the Special Rapporteur visited the United States of America. In his press release issued on 25 May, he explained that the objective of the visit was to undertake a fact-finding exercise and a legal assessment of United States law and practice in the fight against terrorism, measured against international law. His visit was also aimed at identifying and disseminating best practice in countering terrorism. The Special Rapporteur focused on the public international law framework, including the application of international human rights law during armed conflict and the extraterritorial application of international human rights law. He also examined a number of issues surrounding the judicial guarantees which must be afforded to individuals suspected of terrorist activity as well as the transfer of terrorist suspects. Finally, he addressed the issues of the definition of terrorism, profiling, community outreach and immigration and refugee status. The Special Rapporteur also examined the impact of surveillance on the right to privacy. Reports on these country visits will be submitted to the Human Rights Council at one of its future sessions.

14. The Special Rapporteur also held a number of meetings, including with the European Parliament, national parliaments of States members of the European Union and the European Parliament Temporary Committee on the alleged use of European countries by the CIA for the transport and illegal detention of prisoners. He also met with the Counter-Terrorism Committee, as indicated earlier, and the Executive Directorate, as well as with the Chair of the Task Force and the coordinator of the Analytical Support and Sanctions Monitoring Team. Finally, with the aim of ensuring a coordinated and collaborative approach, the Special

Rapporteur held meetings with OHCHR officials responsible for other thematic mandates, in particular to ensure complementarity with the mandate of the High Commissioner for Human Rights.

15. The report of the Special Rapporteur on the question of torture and other cruel, inhuman or degrading treatment or punishment following his visit to Jordan (A/HRC/4/33/Add.3) was examined by the Human Rights Council in the course of the reporting period. The Special Rapporteur examined the issue of torture aimed at extracting confessions and obtaining intelligence in pursuit of counter-terrorism and national security objectives as well as the issue of transfer of individuals suspected of terrorist activities ("extraordinary renditions"). In his annual report to the Human Rights Council (A/HRC/4/33), the Special Rapporteur re-emphasized the absolute prohibition of torture. He recalled the importance of States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment establishing universal jurisdiction in accordance with the principle aut dedere aut iudicare by highlighting that universal jurisdiction is one of the most important means of fighting impunity because it ensures that there are no safe havens for perpetrators of torture.

16. The Special Rapporteur on freedom of religion or belief, in her annual report to the Human Rights Council (A/HRC/4/21 and Add.1), noted that she had received numerous allegations that national counter-terrorism measures adopted in the post-11 September 2001 context have had, and continue to have, adverse effects on the enjoyment of freedom of religion or belief worldwide. She stressed that on many occasions, members of groups perceived to hold extreme religious views have been harassed, arrested or deported. The Special Rapporteur expressed concern that some counter-terrorism measures may undermine respect for freedom of religion or belief. In particular, she reiterated the concern expressed by other mandate holders that the application of definitions of terrorism may be used to outlaw peaceful religious entities or to blacklist entire communities and religions, subjecting them to systematic suspicion, and recommended that States refocus their efforts on the origins of terrorism and on the need to ensure protection and promotion of human rights without bias or selectivity.

17. Issues related to the international transfer of individuals in the context of counter-terrorism are examined in the annual report of the Working Group on Arbitrary Detention to the Human Rights Council for 2006 (A/HRC/4/40 and Add.1-5). The Working Group stated that the practice of "renditions" is irremediably in conflict with the requirements of international law. Specifically, the Working Group explained that when a Government eludes procedural safeguards, in particular the right of an affected person to be heard, that Government cannot in good faith claim that it has taken reasonable steps to protect the individual's rights after removal, including the right not to be arbitrarily detained, and will, consequently, share responsibility with the receiving State for the ensuing arbitrary detention. The Working Group also stressed that anti-terrorism conventions do not contemplate either prolonged administrative detention as an alternative to criminal justice, nor do they envisage "renditions" as an alternative to the guarantees of extradition proceedings. The Working Group recalled the preference for criminal justice and extradition proceedings as instruments to hold perpetrators of terrorist acts. Where this is not possible, States may under international law deport or expel non-citizens from their territory if they represent a threat to national security, provided a number of procedural guarantees are respected. The opportunity to

challenge one's removal is essential to uphold the principle of non-refoulement. The Working Group further argued that the principle of non-refoulement should not only apply to cases where there is a risk of extrajudicial killings or torture, but should extend to cases where there is a substantial risk of arbitrary detention. The Working Group noted that the practice of obtaining diplomatic assurances from the receiving State to circumvent the non-refoulement principle may be acceptable for detention and fair trial, only if a number of stringent conditions, detailed in the Working Group's report, are fulfilled. Finally, the Working Group referred to so-called "reverse diplomatic assurances", which are sought by the sending Government to ensure that a person transferred will be deprived of liberty, even in the absence of criminal charges or other legal basis for detention. The Working Group concluded that these assurances constitute a serious violation of international law and urged Governments to refuse to give them unless they can be given in accordance with domestic legislation and international human rights law (see A/HRC/4/40).

18. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance noted with concern the rise of racism and intolerance towards certain communities, in particular Arab and Muslim communities, in the wake of the events of 11 September 2001. In his reports, the Special Rapporteur reflected on various issues, including racial profiling, and reminded States that issues related to immigration, asylum and the situation of foreigners should be dealt with on the basis of the pertinent international instruments and not only on the basis of the security dimension and the fight against terrorism (see A/HRC/4/19/Add.3 and A/HRC/4/19/Add.4).

19. Mandate holders have addressed issues related to human rights and counter-terrorism in a number of communications to Member States raising specific cases of concern. By way of example, the Special Rapporteur on extrajudicial, summary or arbitrary executions dealt with aspects of killings in the context of alleged counter-terrorism operations, including "targeted killings" and "crossfire" killings, reiterating his concern that these place no verifiable obligation upon States to demonstrate that those against whom lethal force is used are indeed terrorists or to demonstrate that every other alternative has been exhausted (see A/HRC/4/20/Add.1). The Working Group on Enforced or Involuntary Disappearances focused its attention on the practice of "rendition" or "extraordinary rendition" and stated that because the persons subjected to this practice are generally held incommunicado in secret facilities, it is believed that the practice may amount to enforced disappearance and may violate the right to freedom from arbitrary arrest and detention and the right to judicial review of the basis of detention (see A/HRC/4/41).

Human rights treaty bodies

20. The United Nations human rights treaty bodies have continued to take up issues related to terrorism in their examinations of States parties' reports and individual complaints. In particular, the contours of the absolute prohibition of refoulement in the context of the use of diplomatic assurances as well as issues of responsibility of a State party for acts taking place outside its territory or by foreign agents in its territory have been examined by the Human Rights Committee and by the Committee against Torture.

21. In the case of *Alzery v. Sweden* (CCPR/C/88/D/1416/2005), the Human Rights Committee provided important guidance on a number of issues, including the use of diplomatic assurances to remove an individual in cases where a real risk of ill-treatment exists, as well as on the issue of State responsibility in cases of ill-treatment carried out by foreign officials and on the obligation of a State to carry out effective investigations of any allegations of ill-treatment. Specifically, the case dealt with the expulsion to Egypt by Sweden on security grounds of Mohammed Alzery, an Egyptian national, despite the fact that the Swedish authorities had found that, if returned, there was a risk that he would be ill-treated and that his expulsion would therefore be inconsistent with Sweden's human rights obligations. In the process of his expulsion, Mr. Alzery was handed over by Swedish authorities to foreign agents at a Swedish airport. The Swedish Parliamentary Ombudsman subsequently qualified the treatment Mr. Alzery suffered at the hands of the foreign agents as "inhuman". In the examination of the issue of diplomatic assurances, the Human Rights Committee followed the analysis of the Committee against Torture in the companion case of *Agiza v. Sweden* (CAT/C/34/D/233/2003). The Human Rights Committee noted that to reduce the risk of ill-treatment at the hands of Egyptian authorities, and thereby to avoid a breach of its obligation of non-refoulement, Sweden had relied solely on the diplomatic assurances provided by the Egyptian authorities that the individual would not be tortured and that he would be given a fair trial. In light of the fact, inter alia, that the assurances contained no mechanism to ensure their enforcement, that there was no provision for their effective implementation, and that the visits to the place of detention failed to conform to international standards of good practice, including private access to detainees and medical and forensic expertise, the Committee concluded that the diplomatic assurances were insufficient to protect against the risk of ill-treatment and that as a result, the expulsion amounted to a breach of article 7 of the International Covenant on Civil and Political Rights.

22. In the same case, examining the issue of State responsibility, the Human Rights Committee noted that, at a minimum, a State party is responsible for foreign officials exercising acts of sovereignty on its territory, if such acts are performed with the consent or acquiescence of the State party. In addition, the Committee highlighted the obligation of States parties to ensure that their investigative apparatus has the capacity to investigate, as far as possible, the criminal responsibility of all relevant domestic and foreign officials for conduct in breach of article 7 of the Covenant and to bring the appropriate charges. Failure to do so would amount to a violation of a State's obligations under article 7 combined with article 2 of the Covenant.

23. The Committee against Torture further examined the issue of diplomatic assurances and that of the responsibility of States for acts taking place outside their territory in the case of *Pelit v. Azerbaijan* (CAT/C/38/D/281/2005). The Committee against Torture confirmed its reasoning on the issue of the use of diplomatic assurances in cases of removal where there exists a risk of mistreatment. The complainant, a Turkish national with refugee status in Germany, had been convicted in absentia of involvement in subversive activities linked to the PKK (Communist Party of Kurdistan) in Turkey. She was arrested in Azerbaijan, where a decision to extradite her to Turkey was made, based on the provision of assurances from the Turkish authorities regarding her treatment after her extradition. The interim measures requested by the Committee had been disregarded by the Azerbaijani

authorities and she was extradited to Turkey. The Committee stated that the Azerbaijani authorities had not shown why they did not recognize Ms. Pelit's refugee status, despite the fact that the general situation of persons such as the complainant and the complainant's own past raised real issues under article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Committee further found a breach of article 3 of the Convention, even though the Azerbaijani authorities claimed that their embassy in Turkey had been monitoring Ms. Pelit's post-return treatment and that Ms. Pelit had confirmed in a private conversation with a representative of the embassy, that she had not been tortured or ill-treated. The Committee found that the State party had not provided sufficient information to show that the post-return monitoring mechanisms or the steps that it took were objective, impartial and sufficiently trustworthy, both in fact and in the perception of the complainant.

24. The Committee against Torture also addressed the issue of responsibility of a State party for the transfer of detainees by a Member State's military forces taking place outside the State's territory. The Committee recalled that article 3 of the Convention and its obligation of non-refoulement apply to a State party's military forces, wherever situated, where they exercise effective control over an individual, even where the State party's forces are subject to the operational command of another State. The Committee thus concluded that any transfer of detainees within a State party's effective custody to the custody of any other States must comply fully with article 3 of the Convention (see CAT/C/DNK/CO/5).

III. Activities of the United Nations High Commissioner for Human Rights

25. The United Nations High Commissioner for Human Rights has continued to examine the question of the protection of human rights and fundamental freedoms while countering terrorism and to make general recommendations about the obligations of States in this regard. In her dialogue with States in particular, she has reiterated her serious concern about a number of legislative measures adopted by, and practices of, States in the name of countering terrorism, which have the effect of deeply affecting the rule of law and the sustainable success of the fight against terrorism, in line with human rights treaties, in particular the International Covenant on Civil and Political Rights and the Convention against Torture.

Judicial scrutiny of counter-terrorism measures

26. The High Commissioner has voiced her concern regarding the absence of transparency that may prevail in the investigation and trial of terrorism-related cases. Some States have adopted or revived State secret or immunity doctrines, used evidence and information the origin of which is not disclosed, or taken other measures to shield intelligence, military or diplomatic sources and information, in the name of national security interests. These measures all have the deleterious effect of limiting access to information necessary for the prompt, thorough and effective investigation and prosecution of terrorism-related cases. They also undermine the credibility and public perception of the integrity of the outcomes of investigations and trials, and shield important issues from full public debate and accountability in democratic institutions.

27. The High Commissioner has stressed the importance of ensuring that there is effective judicial control over qualifications by the executive branch that certain information may not be disclosed in order to protect national interests, notably security interests. Where such control is lacking, it suggests undue judicial deference to the executive regarding key principles of access to justice, the right to an effective remedy, access to courts and the right to a fair trial. Moreover, it is inappropriate that secrecy and immunity doctrines should be advanced in cases where serious human rights violations may have occurred and need to be investigated with a view to identifying those responsible and ensuring full accountability. The High Commissioner has noted that a number of carefully and narrowly tailored measures may be considered by States for use in appropriate circumstances, for example, the use of special or security clearance of counsels and in camera hearings, in order to safeguard legitimate interests. The use of appropriate devices in carefully justified circumstances requiring restrictive treatment of certain information can help to preserve various interests of the individual in obtaining due process or satisfaction, where applicable, the interest of society in shedding light on the measures adopted by the State in countering terrorism, the interest of the integrity of the judicial process and the interest of the State in effectively countering terrorism.

28. The High Commissioner has reiterated the importance of all measures adopted to counter terrorism being subject to effective judicial review to ensure their conformity with human rights law, in particular their legality, necessity and proportionality. The High Commissioner has welcomed the transparency and the contribution to a full and informed public and institutional debate that have been brought by a number of national and regional rulings and inquiries.[3] These show clearly that there is no inherent conflict between effective counter-terrorism measures and an independent, impartial and effective judicial review of those measures, aiming to ensure both the legality of the measures under human rights law and the right of individuals and societies to investigations and appropriate remedies. On the contrary, appropriate judicial review strengthens the durability and sustainability of counter-terrorism measures.

Transfer of individuals suspected of terrorist activity and secret detention

29. Throughout the reporting period, the High Commissioner has continued to highlight the serious challenge to human rights posed by the return, expulsion, deportation, extradition or transfer, in ways inconsistent with international human rights law, of individuals suspected of terrorist activities. Such transfers raise risks of violations of the rights to liberty and security of the person, the prohibition of

[3] See, inter alia, Council of Europe, Committee on Legal Affairs and Human Rights, secret detentions and illegal transfers of detainees involving Council of Europe member States ("Marty Reports"), AS/Jur(2006)16 and AS/Jur(2007)36; "Follow-up to the Secretary-General's reports under article 52 ECHR on the question of secret detention and transport of detainees suspected of terrorist acts, notably by or at the instigation of foreign agencies (SG/Inf(2006)5 and SG/Inf(2006)13): proposals made by the Secretary-General, 30 June 2006" document SG(2006)01; Supreme Court of Canada, *Adil Charkaoui, Hassan Almrei and Mohamed Harkat v Minister of Citizenship and Immigration and Minister of Public Safety and Emergency Preparedness*, 23 February 2007; Commission of Inquiry into the Actions of Canadian Officials in relation to Maher Arar, report of the events related to Maher Arar, 2006; United Kingdom Special Immigration Appeals Commission, for example: *DD and AS v. The Secretary of State for the Home Department*, 27 April 2007.

torture and other cruel, inhuman or degrading treatment or punishment, the right to recognition everywhere as a person before the law, the right to a fair trial, the right to private and family life and the right to an effective remedy. They may also qualify as an enforced disappearance. The High Commissioner recalled that any transfer of an individual must respect the rule of law, including the right to respect for a person's inherent dignity and due process.

30. In her report to the Human Rights Council (A/HRC/4/88), the High Commissioner addressed an issue which has also been addressed by a number of special procedures mandate holders, that of the well-established principle in international law of non-refoulement. This principle provides that where there is a real risk of torture or other cruel, inhuman or degrading treatment or punishment in a receiving State, the prohibition of refoulement is absolute and may not be subject to any limitations or derogations. She has repeatedly voiced her concern regarding the use of diplomatic assurances, memorandums of understanding and other diplomatic agreements regarding the transfer of individuals suspected of terrorist activity as practices that are inappropriate, ineffective, and undermine the absolute prohibition against refoulement. She has thus welcomed an increasing number of national cases where courts or other bodies have opposed the return of individuals based on an assessment that the diplomatic assurances were considered unreliable or insufficient to limit the risk of torture, ill-treatment or other serious human rights violations.[4]

31. The High Commissioner further recalled that all States have a positive obligation to ensure that their territory is not used to transfer persons to places where they are likely to be subjected to torture. This includes an obligation to effectively inquire whether the movements of foreign States or agents of a State on or through its territory may involve such practices, where there are grounds to so believe. Assisting other States in the commission of these wrongful acts or failing to take protective measures may engage a State's responsibility for any ensuing human rights violations. In a speech to the Parliamentary Assembly of the Council of Europe in April 2007, the High Commissioner commended the laudable steps taken in European regional systems to investigate reports of serious human rights violations, notably secret detentions and unlawful inter-State transfers. She welcomed the ad hoc inquiries that have taken place within the Council of Europe and the European Union and strongly supported the recommendations made by those bodies. She further encouraged States to carry out appropriate national inquiries.

32. The High Commissioner has also raised the issue of judicial review of lawfulness of detention a number of times. She has recalled that, while a State may lawfully detain a person suspected of terrorist activity, scrupulous compliance with human rights law related to liberty and security of persons, the right to recognition before the law and the right to due process are essential. This includes a right to review of detention in a court without delay, so the court may decide on the

[4] See United Kingdom Special Immigration Appeals Commission, *DD and AS v. The Secretary of State for the Home Department*, 27 April 2007; Committee Against Torture, conclusions and recommendations, the Netherlands (CAT/C/NET/CO/4), para. 3 (h). During the examination of the report, the delegation of the Netherlands stated that the Government had never relied on diplomatic assurances to ensure that a person sent back to a particular country would never be tortured. See United Nations press release, 8 May 2007, "Committee against Torture hears response of the Netherlands".

lawfulness of the deprivation of liberty and order immediate release where detention is unlawful. This implies that other minimum guarantees are applicable, such as full access to material and lawfully obtained evidence related to the detention, to ensure that review is effective.

Tools on human rights and counter-terrorism

33. OHCHR is developing a number of tools on countering terrorism with full respect for human rights, in particular a fact sheet on human rights, terrorism and counter-terrorism. The fact sheet will be addressed to State authorities, national and international non-governmental organizations, national human rights institutions, legal practitioners and other individuals concerned with ensuring the protection and promotion of human rights in the context of terrorism and counter-terrorism. Its aim will be to provide a practical tool for practitioners dealing with counter-terrorism and human rights. In March 2007, an expert consultation to discuss the fact sheet on human rights, terrorism and counter-terrorism took place. Participants included members of the former Subcommission on the Promotion and Protection of Human Rights, relevant special procedures mandate holders, United Nations agencies, regional organizations and non-governmental organizations. OHCHR is also in the process of updating the *Digest of Jurisprudence of the United Nations and Regional Organizations on the Protection of Human Rights while Countering Terrorism* and is developing a fact sheet on the relationship between international humanitarian law and human rights law.

Other developments

34. In November 2006, OHCHR and the Organization for Security and Cooperation in Europe (OSCE) Office for Democratic Institutions and Human Rights jointly organized a workshop on human rights and international cooperation in counter-terrorism, hosted by the Government of Liechtenstein. The workshop provided an opportunity for security experts and legal advisers from ministries of the interior, justice, defence and foreign affairs in various OSCE participating States, as well as human rights and international law experts, to identify and discuss international human rights obligations and commitments of OSCE participating States in the field of international cooperation in matters related to combating terrorism and to assist States in ensuring that measures taken to counter terrorism comply with their obligations under international human rights law. Specifically, the workshop focused on issues related to the transfer of individuals suspected of terrorist activity, including the principle of non-refoulement, procedural guarantees and due process in the context of transferring individuals. Participants also discussed issues related to exchange of evidence and information-sharing, as well as individual sanctions such as asset-freezing and the human rights implications of national and international listing mechanisms.

35. OHCHR also participated in a number of meetings dealing with issues related to human rights and counter-terrorism, including an expert group meeting organized by the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism in Berlin in November 2006 and an expert workshop entitled "Human rights challenges in the fight against terrorism: protecting the right to privacy", organized by the Office of the Council of Europe Commissioner for Human Rights, Thomas Hammarberg, on 1 June 2007.

IV. Conclusions

36. **The United Nations Global Counter-Terrorism Strategy is an important development in ensuring a coordinated and comprehensive response to terrorism at national, regional and global levels. With the support of the members of the Counter-Terrorism Implementation Task Force, including OHCHR and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, Member States should continue to implement the Strategy, which considers respect for human rights and the rule of law to be the fundamental basis of the fight against terrorism. This should include a commitment to ensuring that the human rights treaties become a full component of the counter-terrorism architecture.**

37. **The United Nations human rights system continues to address the question of the protection of human rights and fundamental freedoms while countering terrorism, including by assisting Member States in ensuring that all measures taken to counter terrorism are in conformity with their obligations under international human rights, humanitarian and refugee laws.**

38. **The High Commissioner for Human Rights, human rights treaty bodies, as well as a number of special procedures mandate holders have continued to express serious concern regarding a number of measures adopted by States which continue to undermine human rights and the rule of law. These include: secret detention and the irregular transfer of individuals suspected of terrorist activities; the use of diplomatic assurances, memorandums of understanding or other transfer agreements to justify return to places where they face a real risk of torture, ill-treatment or other serious human rights violations in breach of the absolute prohibition of refoulement; the continued detention of persons suspected of acts of terrorism in the absence of a legal basis for detention and minimum due process guarantees, including the right to judicial review of detention; limitations to effective judicial scrutiny of counter-terrorism measures; and issues such as the profiling of individuals and the respect for the principle of legality when defining terrorism.**